



भारत का राजपत्र The Gazette of India

प्राधिकार से प्रकाशित
PUBLISHED BY AUTHORITY

सं. 36]
No. 36]

नई दिल्ली, शनिवार, सितम्बर 8, 1990/भाद्रपद 17, 1912
NEW DELHI, SATURDAY, SEPTEMBER 8, 1990/BHADRA 17, 1912

इस भाग में भिन्न पृष्ठ संख्या दी जाती है जिससे कि यह अलग संकलन के रूप में
रखा जा सके

Separate Paging is given to this Part in order that it may be filed as
a separate compilation

भाग II—खण्ड 3—उप-खण्ड (ii) PART II—Section 3—Sub-Section (ii)

(रक्षा मंत्रालय को छोड़ कर) भारत सरकार के मंत्रालयों द्वारा जारी किए गए सांख्यिक आदेश और अधिसूचनाएँ
Statutory Orders and Notifications Issued by the Ministries of the Government of India other than
the Ministry of Defence)

कार्मिक, लोक शिकायत तथा पेंशन मंत्रालय
(पेंशन और पेंशनभोगी कल्याण विभाग)

नई दिल्ली, 5 जून, 1990

का. आ. 2329 :—राष्ट्रपति, संविधान के अनुच्छेद 148 के खंड (5) के साथ पठित अनुच्छेद 309 के परन्तुक द्वारा प्रवृत्त शक्तियों का प्रयोग करते हुए तथा भारतीय लेखा परीक्षा और लेखा विभाग में सेवा करने वाले व्यक्तियों के संबंध में नियंत्रक-महालेखा परीक्षक से परामर्श करने के पश्चात्, केन्द्रीय सिविल सेवा (पेंशन) नियम, 1982 का और संशोधन करने के लिए निम्नलिखित नियम बनाते हैं, अर्थात्:—

- (1) इन नियमों का संक्षिप्त नाम केन्द्रीय सिविल सेवा (पेंशन) तीसरा संशोधन नियम, 1990 है।
- (2) ये राजपत्र में प्रकाशन की तारीख को प्रवृत्त होंगे।
2. केन्द्रीय सिविल सेवा (पेंशन) नियम, 1972 के नियम 54 के उपनियम (14) के खंड (ख) के उपखंड (ii)

में, "परन्तु सेवानिवृत्ति के पश्चात् जन्मे पुत्र अथवा पुत्री इसके अंतर्गत नहीं हैं" शब्दों का लोप किया जाएगा।

[संख्या 1/66/89-पी. एण्ड पी. डब्ल्यू./सी.]

एन.एस. शंकरन, उप सचिव

पाद टिप्पण:—केन्द्रीय सिविल सेवा (पेंशन) नियम, 1972

का. आ. सं. 934 तारीख 1-4-72 के

रूप में प्रकाशित किए गए थे। नियमों का

चौथा संस्करण (जुलाई, 1988 तक संशो-

धित) 1988 में मद्रित किया गया था।

नियमों में तत्पश्चात् पेंशन और पेंशनभोगी

कल्याण विभाग की निम्नलिखित अधिसूचनाओं

द्वारा संशोधन किया गया था:—

क्रम सं.	अधिसूचना संख्या	तारीख
(1)	(2)	(3)
1.	का. आ. सं. 254	4-2-1989

(1)	(2)	(3)
2. का. आ. सं. 970		6-5-1989
3. का. आ. सं. 2467		7-10-1989
4. का. आ. सं. 1/47/87-पी. एण्ड पी. डब्ल्यू/सी		13-3-1990
5. का. आ. सं. 1/80/89-पी एण्ड पी. डब्ल्यू. सी.		26-4-1990

MINISTRY OF PERSONNEL, PUBLIC GRIEVANCES & PENSIONS

(Department of Pension and Pensioners' Welfare)

New Delhi, the 5th June, 1990

S.O. 2329.—In exercise of the powers conferred by the proviso to article 309 read with clause (5) of article 148 of

the Constitution, and after consultation with the Comptroller and Auditor General in relation to persons serving in the Indian Audit and Accounts Department, the President hereby makes the following rules further to amend the Central Civil Services (Pension) Rules, 1972, namely:—

1. (1) These rules may be called the Central Civil Services (Pension) Third Amendment Rules, 1990.

(2) They shall come into force on the date of their publication in the Official Gazette.

2. In Rule 54 of the Central Civil Services (Pension) Rules, 1972, in sub-rule 14, in clause (b) in sub-clause (ii), the words "but shall not include son or daughter born after retirement" shall be omitted.

[No. 1/66/89-P&PW/C]

N. S. SANKARAN, Dy. Secy.

Foot Note.—The Central Civil Services (Pension) Rules, 1972 were published as S.O. No. 934 dated 1st April, 1972. The Fourth Edition (Corrected upto July, 1988) of the rules was printed in 1988. The rules were subsequently amended vide Department of Pension and Pensioners' Welfare.

Notifications given below:—

S. Notification No. No.	Date
1. S.O. No. 254	4-2-1989
2. S.O. No. 970	6-5-1989
3. S.O. No. 2467	7-10-1989
4. 1/47/87-P&PW/C	13-3-1990
5. 1/80/89-P&PW/C	26-4-1990

योजना मंत्रालय
(सांख्यिकी विभाग)

नई दिल्ली, 20 अगस्त, 1990

का. आ. 2330.—भारतीय सांख्यिकीय संस्थान अधिनियम (संख्या 57) 1959 के खण्ड 8, उप-खण्ड (1) के द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए केन्द्र सरकार एतद्वारा 1991-92 के लिए निम्नलिखित व्यक्तियों की एक समिति का गठन करती है:—

- डा. राजा जे. चेलैया, —अध्यक्ष
भूतपूर्व सदस्य,
योजना आयोग
तथा अवकाशप्राप्त प्रोफेसर,
राष्ट्रीय लोक वित्त तथा नीति संस्थान
नई दिल्ली-67
- डा. जी. एस. भल्ला, —सदस्य
प्रोफेसर अर्थशास्त्र,
क्षेत्रीय विकास अध्ययन केन्द्र,
जवाहर लाल नेहरू विश्वविद्यालय,
नई दिल्ली-110067

- डा. एम.एस. बालियाथन, —सदस्य
निदेशक,
श्री चित्रा त्रिभुवन इंस्टीट्यूट फोर
मेडीकल साइंस एंड टेक्नोलॉजी,
त्रिवेन्द्रम-695011
- प्रो. एस. के. चटर्जी, —सदस्य
प्रोफेसर,
सांख्यिकी विभाग,
यूनिवर्सिटी कालेज आफ साइंस,
कलकत्ता-19
- प्रो. एस. बी. राव, —सदस्य
भारतीय सांख्यिकीय संस्थान, कलकत्ता
(भारतीय सांख्यिकीय संस्थान के मनोनीत)
- महानिदेशक, —सदस्य
केन्द्रीय सांख्यिकीय संगठन तथा
अपर सचिव, सांख्यिकीय
नई दिल्ली
- वित्तीय सलाहकार, —सदस्य
सांख्यिकी विभाग,
नई दिल्ली

8. उप सचिव,
सांख्यिकी विभाग,
नई दिल्ली

सदस्य सचिव

और उक्त समिति को निम्नलिखित कार्य निर्धारित करती है:-

(1) कार्य के सम्मत कार्यक्रम (योजनागत तथा योजनेतर दोनों) की समीक्षा करना तथा संशोधित प्राक्कलन 1990-91 में प्रदान की जाने वाली राशि के संबंध में सिफारिशें करना तथा भारतीय सांख्यिकीय संस्थान को सहायता अनुदान अदा करने के लिए 1991-92 के लिए वित्तीय प्राक्कलनों के संबंध में भी सिफारिशें करना।

(2) (क) वर्ष 1991-92 के दौरान भारतीय सांख्यिकीय संस्थान, कलकत्ता द्वारा किए जाने वाले कार्य का कार्यक्रम (योजनागत तथा योजनेतर दोनों) दर्शाने वाले विवरण तथा इस प्रकार के कार्य के लिए सामान्य वित्तीय अनुमान तैयार करना और उसे केन्द्र सरकार के समक्ष प्रस्तुत करना, जिसके लिए केन्द्रीय सरकार निधि की व्यवस्था करती है।

(ख) कार्यक्रम से सम्बन्धित विस्तृत रूपरेखा निश्चित करना।

2. समिति अपनी रिपोर्ट सरकार को 31 मार्च, 1993 से पहले प्रस्तुत करेगी।

3. सांख्यिकी विभाग समिति को जिसका मुख्यालय नई दिल्ली में होगा, सचिवालय सहायता प्रदान करेगा।

[संख्या एम-12-011/3/89-समन्वय]

नवल किशोर, उप सचिव

MINISTRY OF PLANNING

(Department of Statistics)

New Delhi, the 20th August, 1990

S.O. 2330.—In exercise of the powers conferred by Sub-section (1) of Section 8 of the Indian Statistical Institute Act (No. 57) of 1959, the Central Government hereby constitutes a Committee for 1991-92 consisting of:

1. Dr. Raja J. Chelliah, — Chairman
ex-Member, Planning Commission
and Emeritus Professor,
National Institute of
Public Finance and Policy,
New Delhi-67.
2. Dr. G. S. Bhalla, — Member
Professor of Economics,
Centre for Studies in Regional
Development, JNU,
New Delhi-67.
3. Dr. M. S. Valiathan, — Member
Director, Sree Chitra Tirunal Institute
for Medical Sciences & Technology,
Trivandrum-695011.

4. Prof. S. K. Chatterjee, — Member
Professor,
Department of Statistics,
University College of Science,
Calcutta-19.
5. Prof. S. B. Rao, — Member
Indian Statistical Institute,
Calcutta,
(Nominee of the ISI).
6. Director General, — Member
CSO & Addl. Secy.,
Department of Statistics,
New Delhi.
7. Financial Adviser, — Member
Department of Statistics,
New Delhi.
8. Deputy Secretary, — Member Secretary
Department of Statistics,
New Delhi.

and assigns the following duties to the said Committee, namely:—

(1) Review of the agreed programme of work (both Plan and Non-Plan) and make recommendations regarding the amount to be provided in the RE 1990-91, and also make recommendations regarding the financial estimates for 1991-92 for paying grant-in-aid to the ISI.

(2) (a) Preparation and submission to the Central Government of Statements showing programme of work (both Plan and Non-Plan) agreed to be undertaken by the Indian Statistical Institute, Calcutta, during the year 1991-92, for which the Central Government may provide funds, as well as general financial estimates of such work.

(b) The settlement on broad lines of the programme of work.

2. The Committee shall submit its Report to the Government before 31st March, 1991.

3. The Department of Statistics shall render secretariat assistance to the Committee, the headquarters of which will be at New Delhi.

[No. M. 12011/3/89-Coord.]

NAWAL KISHORE, Dy. Secy.

वित्त मंत्रालय

(राजस्व विभाग)

नई दिल्ली, 2 जुलाई, 1990

प्रधान कार्यालय संस्थापन

का. मा. 2331.—केन्द्रीय सरकार केन्द्रीय प्रत्यक्ष कर बोर्ड के नियम 3 (कार्य का विनियमन) नियम 1964 द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, भारतीय राजस्व सेवा (आयकर) के अधिकारी श्री पी. के. गुप्ता को, जो इससे पूर्व महानिदेशक, राष्ट्रीय प्रत्यक्ष कर अकादमी, के रूप में नागपुर में तैनात थे, को 2 जुलाई, 1990 पूर्वाह्न से अगले आदेशों के होने तक राजस्व विभाग के केन्द्रीय प्रत्यक्ष कर बोर्ड में सदस्य नियुक्त करती है।

[फा. सं. 19011/8/90-प्रशा.- 1]

एस. बी. बरदारान, अवर सचिव

MINISTRY OF FINANCE

(Department of Revenue)

New Delhi, the 2nd July, 1990

HEADQUARTERS ESTABLISHMENT

S.O. 2331.—In exercise of the powers conferred by Rule 3 of the Central Board of Direct Taxes (Regulation of Business) Rules, 1964, the Central Government hereby appoints Shri P. K. Gupta, an officer of the Indian Revenue Service (I.T.) and formerly posted as Director General, National Academy of Direct Taxes, Nagpur, as Member in the Central Board of Direct Taxes in the Department of Revenue with effect from the forenoon of the 2nd July, 1990 and until further orders.

[F. No. A-19011/8/90-Ad. II]

S. V. VARADARAJAN, Under Secy.

नई दिल्ली, 13 जुलाई, 1990

प्रधान कार्यालय संस्थापन

का. आ. 2332.—केन्द्रीय सरकार, केन्द्रीय राजस्व बोर्ड अधिनियम, 1963 (1963 का 54) के खण्ड-3 के उपखण्ड (2) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए भारतीय राजस्व सेवा (सीमा शुल्क एवं केन्द्रीय उत्पाद शुल्क) के अधिकारी श्री एम. एम. भटनागर को, जो इससे पूर्व महानिदेशक, नारकोटिक्स कंट्रोल ब्यूरो, दिल्ली में तैनात थे, को 13 जुलाई, 1990 अथवा हून से अगले आदेशों तक केन्द्रीय उत्पादन शुल्क एवं सीमा शुल्क बोर्ड में सदस्य नियुक्त करती है।

[फा. सं. ए-12026/25/90-प्रशा. 1]

आर. क. जिन्दल, निदेशक (प्रशासन)

New Delhi, the 13th July, 1990

HEADQUARTERS ESTABLISHMENT

S.O. 2332.—In exercise of the powers conferred by sub-section (2) of Section (3) of the Central Boards of Revenue Act, 1963 (No. 54 of 1963), the Central Government hereby appoints Shri M. M. Bhatnagar, an officer of the Indian Revenue Service (Customs & Central Excise), and formerly posted as Director General, Narcotics Control Bureau, Delhi, as Member of the Central Board of Excise & Customs with effect from the afternoon of 13th July, 1990 and until further orders.

[F. No. A-12026/25/90-Ad. I]

R. K. JINDAL, Director (Admn.)

आदेश

नई दिल्ली, 23 अगस्त, 1990

स्टाम्प

का. आ. 2333.—भारतीय स्टाम्प अधिनियम 1899 (1899 का 2) की धारा 9 की उपधारा (i) के खंड (ख) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, केन्द्रीय सरकार एतद्वारा मै. प्रशांत खोमला न्यूमेटिक्स लि., नई दिल्ली को नब्बे हजार सात सौ पचास रु. मात्र के उस समेकित स्टाम्प शुल्क का भुगतान करने की अनुमति प्रदान करती है जो कि

उक्त कंपनी द्वारा जारी किए जाने वाले एक करोड़ इक्कास लाख रु. के अंकित मूल्य के ऋण-प्रमाण पत्रों पर स्टाम्प शुल्क के कारण प्रभाव है।

[सं. 23/90-स्टा.-फा.सं. 33/50/90-वि. क.]

वी. के. स्वामीनाथन, अवर सचिव

ORDER

New Delhi, the 23rd August, 1990

STAMPS

S.O. 2333.—In exercise of the powers conferred by clause (b) of Sub-section (1) of section 9 of the Indian Stamp Act, 1899 (2 of 1899), the Central Government hereby permits M/s. Prashant Khosla Pneumatics Limited, New Delhi to pay consolidated stamp duty of rupees ninety thousand, seven hundred and fifty only, chargeable on account of the stamp duty on debentures certificate of the face value of rupees one crore and twenty one lakh to be issued by the said Company.

[No. 23/90-Stamps-F. No. 33/50/90-ST.]

V. K. SWAMINATHAN, Under Secy.

नई दिल्ली, 23 अगस्त, 1990

का. आ. 2334.—केन्द्रीय सरकार राजभाषा संघ के शासकीय प्रयोजनों के प्रयोग नियम, 1976 के नियम 10 के उपनियम (4) के अनुसार केन्द्रीय उत्पादन शुल्क तथा सीमा शुल्क बोर्ड निम्नलिखित कार्यालय को जितके कर्मचारी वृद्ध ने हिंदी का कार्यसाधक ज्ञान प्राप्त कर लिया है, अधिसूचित करता है।

1. केन्द्रीय उत्पादन शुल्क,
मंडल, मेहसाना,
गुजरात।

[सं. 1/90 प्रशा./फा. सं. ई-11017/10/90-

प्रशा.-4क]

तरसेम लाल, अवर सचिव

New Delhi, the 23rd August, 1990

S.O. 2334.—In pursuance of sub-rule (4) of Rule 10 of the official language (use for official purposes of the union) Rules, 1976 the Central Government hereby notifies the following office of the Central Board of Excise and Customs, the staff where of have acquired working knowledge of Hindi.

1. Central Excise,
MEHSANA DIVISION.

[No. 1/90-Administration/F. No. E-11017/10/90-Ad. IV. A]

TARSEM LAL, Under Secy.

आदेश

नई दिल्ली, 30 अगस्त, 1990

का. आ. 2335:— भारत सरकार के संयुक्त सचिव ने, जिसे विदेशी मुद्रा संरक्षण और तस्करी निवारण अधिनियम, 1974 (1974

का 52) की धारा 3 की उपधारा (1) के अधीन विशेष रूप से सशक्त किया गया है, उक्त उपधारा के अधीन आदेश फा. सं. 673/138/90-सी. शु. 8 तारीख 24-5-1990 को यह निदेश देते हुए जारी किया था कि श्री नितिन एन. शाह, 6/8, आनन्दवादी नगर निवास, पहला तल, कमरा नं. 12, बम्बई 400002 को निरुद्ध कर लिया जाए और केन्द्रीय कारागार, बम्बई में अभिरक्षा में रखा जाए ताकि उसे ऐसा कोई भी कार्य करने से रोका जा सके जो विदेशी मुद्रा के संरक्षण के लिए हानिकारक हो;

2. केन्द्रीय सरकार के पास यह विश्वास करने का कारण है कि पूर्वोक्त व्यक्ति फरार हो गया है या अपने को छिपा रहा है जिससे उक्त आदेश का निष्पादन नहीं हो सके;

3. अतः केन्द्रीय सरकार, उक्त अधिनियम, की धारा 7 की उपधारा (1) के खण्ड (ख) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, यह निदेश देती है कि पूर्वोक्त व्यक्ति इस आदेश के शासकीय राजपत्र में प्रकाशन के 7 दिन के भीतर पुलिस आयुक्त बम्बई के समक्ष हाजिर हो।

[फा. सं. 673/सी. 138/90 सी. शु. 8]

ORDER

New Delhi, the 30th August, 1990

S.O. 2335.—Whereas the Joint Secretary to the Government of India, specially empowered under sub-section (1) of section 3 of the Conservation of Foreign Exchange and Prevention of Smuggling Activities Act, 1974 (52 of 1974) issued under F. No. 673/138-9-Cus. VIII dated 24-5-1990 under the said sub-section directing that Shri Nitin N. Shah, 6/8, Anandwadi Nagar Nikas, 1st Floor, Room No. 12, Bombay-400 002, be detained and kept in custody in the Central Prison, Bombay with a view to preventing him from acting in any manner prejudicial to the conservation of foreign exchange;

2. Whereas the Central Government has reasons to believe that the aforesaid person has absconded or is concealing himself so that the order cannot be executed;

3. Now, therefore, in exercise of power conferred by clause (b) of sub-section (1) of section 7 of the said Act, the Central Government hereby directs the aforesaid person to appear before the Commissioner of Police, Bombay within 7 days of the publication of this order in the Official Gazette.

[F. No. 673/138/90-Cus.-VIII]

आदेश

का.आ. 2336:—भारत सरकार के संयुक्त सचिव ने, जिसे विदेशी मुद्रा संरक्षण और तस्करी निवारण अधिनियम, 1974 (1974 का 52) की धारा 3 की उपधारा

(1) के अधीन विशेष रूप से सशक्त किया गया है, उक्त उपधारा के अधीन आदेश फा. सं. 673/139/90-सी. शु. 8 तारीख 24-5-1990 को यह निदेश देते हुए जारी किया था कि श्री भरत परेख मार्फत श्री मनीलाल, नाई, ग्राम-फिचोड, तालुका-ईदर, जिला-साबरकान्था को निरुद्ध कर लिया जाए और केन्द्रीय कारागार, अहमदाबाद में अभिरक्षा में रखा जाए ताकि उसे ऐसा कोई भी कार्य करने से रोका जा सके जो विदेशी मुद्रा के संरक्षण के लिए हानिकारक हो;

2. केन्द्रीय सरकार के पास यह विश्वास करने का कारण है कि पूर्वोक्त व्यक्ति फरार हो गया है या अपने को छिपा रहा है जिससे उक्त आदेश का निष्पादन नहीं हो सके;

3. अतः अब केन्द्रीय सरकार, उक्त अधिनियम, की धारा 7 की उपधारा (1) के खण्ड (ख) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, यह निदेश देती है कि पूर्वोक्त व्यक्ति इस आदेश के शासकीय राजपत्र में प्रकाशन के 7 दिन के भीतर पुलिस महानिदेशक, गुजरात गांधीनगर के समक्ष हाजिर हो।

[फा. सं. 673/139/90-सी. शु. -8]

ORDER

S.O. 2336.—Whereas the Joint Secretary to the Government of India, specially empowered under sub-section (1) of section 3 of the Conservation of Foreign Exchange and Prevention of Smuggling Activities Act, 1974 (52 of 1974) issued under F. No. 673/139/90-Cus. VIII dated 24-5-1990 under the said sub-section directing that Shri Bharat Parakh, C/o. Manilal Nai, Vill. Finchod, Taluka-Idar, Distt. Sabarkautha, be detained and kept in custody in the Central Prison, Bombay with a view to preventing him from acting in any manner prejudicial to the conservation of foreign exchange;

2. Whereas the Central Government has reasons to believe that the aforesaid person has absconded or is concealing himself so that the order cannot be executed;

3. Now, therefore, in exercise of power conferred by clause (b) of sub-section (1) of section 7 of the said Act, the Central Government hereby directs the aforesaid person to appear before the Director General of Police, Gujarat, Gandhinagar within 7 days of the publication of this order in the Official Gazette.

[F. No. 673/139/90-Cus.-VIII]

आदेश

का.आ. 2337:—भारत सरकार के संयुक्त सचिव के जिसे विदेशी मुद्रा संरक्षण और तस्करी निवारण अधिनियम, 1974 (1974 का 52) की धारा 3 की उपधारा (1) के अधीन विशेष रूप से सशक्त किया गया है, उक्त उपधारा

के अधीन आदेश फा. सं. 673/140/90-सी. शु. 8 तारीख 24-5-1990 को यह निदेश देते हुए जारी किया था कि श्री किरित एस. वघेला, बारबर्गरह, मन्सा को निरुद्ध कर लिया जाए और केन्द्रीय कारागार, बम्बई में अभिरक्षा में रखा जाए ताकि उसे ऐसा कोई भी कार्य करने से रोका जा सके जो विदेशी मुद्रा के संरक्षण के लिए हानिकारक हो;

2. केन्द्रीय सरकार के पास यह विश्वास करने का कारण है कि पूर्वोक्त व्यक्ति फरार हो गया है या अपने को छिपा रहा है जिससे उक्त आदेश का निष्पादन नहीं हो सके;

3. अतः अब केन्द्रीय सरकार, उक्त अधिनियम की धारा 7 की उपधारा (1) के खण्ड (ख) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, यह निदेश देती है कि पूर्वोक्त व्यक्ति इस आदेश के शासकीय राजपत्र में प्रकाशन के 7 दिन के भीतर पुलिस आयुक्त, बम्बई के समक्ष हाजिर हों।

[फा.सं. 673/140/90 सी०शु०-8]

ORDER

S.O. 2337.—Whereas the Joint Secretary to the Government of India, specially empowered under sub-section (1) of section 3 of the Conservation of Foreign Exchange and Prevention of Smuggling Activities Act, 1974 (52 of 1974) issued under F. No. 673/140/90-Cus. VIII dated 24-5-1990 under the said sub-section directing that Shri Kirit S. Vaghela, Barbargarh, Mansa be detained and kept in custody in the Central Prison, Bombay with a view to preventing him from acting in any manner prejudicial to the conservation of foreign exchange;

2. Whereas the Central Government has reasons to believe that the aforesaid person has absconded or is concealing himself so that the order cannot be executed;

3. Now, therefore, in exercise of power conferred by clause (b) of sub-section (1) of section 7 of the said Act, the Central Government hereby directs the aforesaid person to appear before the Commissioner of Police, Bombay within 7 days of the publication of this order in the Official Gazette.

[F. No. 673/140/90-Cus.-VIII]

आदेश

का.आ. 2338:—भारत सरकार के संयुक्त सचिव ने, जिसे विदेशी मुद्रा संरक्षण और तस्करी निवारण अधिनियम, 1974 (1974 का 52) की धारा 8 की उपधारा (1) के अधीन विशेष रूप से सशक्त किया गया है, उक्त उपधारा के अधीन आदेश फा. सं. 673/141/90-सी. शु. 8 तारीख 24-5-1990 को यह निदेश देते हुए जारी किया था कि श्री प्रबोध रावल, एक/16, ताराबौग इस्टेट गिरगांव, बम्बई को निरुद्ध कर लिया जाए और केन्द्रीय कारागार, बम्बई में अभिरक्षा में रखा जाए ताकि उसे ऐसा कोई भी

कार्य करने से रोका जा सके जो विदेशी मुद्रा के संरक्षण के लिए हानिकारक हो;

2. केन्द्रीय सरकार के पास यह विश्वास करने का कारण है कि पूर्वोक्त व्यक्ति फरार हो गया है या अपने को छिपा रहा है जिससे उक्त आदेश का निष्पादन नहीं हो सके;

3. अतः अब केन्द्रीय सरकार, उक्त अधिनियम की धारा 7 की उपधारा (1) के खण्ड (ख) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, यह निदेश देती है कि पूर्वोक्त व्यक्ति इस आदेश के शासकीय राजपत्र में प्रकाशन के 7 दिन के भीतर पुलिस आयुक्त, बम्बई के समक्ष हाजिर हों।

[फा.सं. 673/141/90-सी.शु.-8]

कुलदीप सिंह, अव्वर सचिव

ORDER

S.O. 2338.—Whereas the Joint Secretary to the Government of India, specially empowered under sub-section (1) of section 3 of the Conservation of Foreign Exchange and Prevention of Smuggling Activities Act, 1974 (52 of 1974) issued under F. No. 673/141/90-Cus.VIII dated 24-5-1990 under the said sub-section directing that Shri Prabodh Rawal, F/16, Tarabaug Estate, Girgaon, Bombay be detained and kept in custody in the Central Prison, Bombay with a view to preventing him from acting in any manner prejudicial to the conservation of foreign exchange;

2. Whereas the Central Government has reasons to believe that the aforesaid person has absconded or is concealing himself so that the order cannot be executed;

3. Now, therefore, in exercise of power conferred by clause (b) of sub-section (1) of section 7 of the said Act, the Central Government hereby directs the aforesaid person to appear before the Commissioner of Police, Bombay within 7 days of the publication of this order in the Official Gazette.

[F. No. 673/141/90-Cus.-VIII]

KULDIP SINGH, Under Secy.

(आर्थिक कार्य विभाग)

(बैंकिंग प्रभाग)

शुद्धिपत्र

नई दिल्ली, 20 अगस्त, 1990

का०आ० 2339:—वित्त मंत्रालय, आर्थिक कार्य विभाग (बैंकिंग प्रभाग) के दिनांक 11 जुलाई, 1990 के समसंख्यक अधिसूचना में कृषि उत्पादन आयुक्त, पश्चिम बंगाल सरकार, कलकत्ता को निम्नानुसार पढ़ा जाएगा:—

“सचिव (कृषि)

पश्चिम बंगाल सरकार,

कलकत्ता”

[एफ. सं. 7/4/90-बी. ओ.-I]

एम. एस. सीतारामन, अव्वर सचिव

(Department of Economic Affairs)

(Banking Division)

CORRIGENDUM

New Delhi, the 20th August, 1990

S.O. 2339.—In Ministry of Finance, Department of Economic Affairs, Banking Division's Notification of even number, dated July 11, 1990, the Agriculture Production Commissioner, Government of West Bengal, Calcutta shall be read as under :—

"Secretary (Agriculture),
Government of West Bengal,
Calcutta."

[F. No. 7/4/90-BO. I]

M. S. SEETHARAMAN, Under Secy.

नई दिल्ली, 24 अगस्त, 1990

का. आ. 2340.—बैंककारी विनियमन, अधिनियम, 1949 (1949 का 10) की धारा 56 के पठित धारा 53 द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, केन्द्रीय सरकार भारतीय रिजर्व बैंक की सिफारिश पर, एतद्वारा यह घोषणा करती है कि बैंककारी विनियमन (सहकारी समितियाँ) नियमावली, 1966 के नियम 10 के साथ पठित उक्त अधिनियम की धारा 31 के प्रावधान (1) दि कोडुवायूर कोओपरेटिव अर्बन बैंक लि., कोडुवायूर, (2) दि अडूर कोओपरेटिव अर्बन बैंक लि., अडूर (3) बडगरा कोओपरेटिव अर्बन बैंक लि., पी. ओ. बडगरा, (4) करुणाग पल्लि तालुक अर्बन कोओपरेटिव बैंक लि., करुणागपल्लि (5) दि कोओपरेटिव अर्बन बैंक लि., कोट्टारकरा, (6) मेप्पयूर कोओपरेटिव अर्बन बैंक लि., पी. ओ. मेप्पयूर, (7) नेम्मारा कोओपरेटिव अर्बन बैंक लि., नेम्मारा, (8) शोरानूर कोओपरेटिव अर्बन बैंक लि., शोरानूर, (9) थिरुवल्ला अर्बन कोओपरेटिव बैंक लि., थिरुवल्ला (10) दि पोस्टल अर्बन कोओपरेटिव बैंक लि., कोट्टडमक्कु और (11) दि अलेप्पी अर्बन कोओपरेटिव बैंक लि., अलेप्पी पर, जहाँ तक उनका सम्बन्ध दिनांक 30 जून, 1989 को समाप्त वर्ष के लिए तुलन पत्र तथा लाभ हानि लेखों के साथ-साथ समाचार पत्रों में प्रकाशित लेखा परीक्षक की रिपोर्ट से है, लागू नहीं होंगे।

[संख्या एक 6-2/90-ए. सी]

पी.के. तेजयान, अवतर सचिव

New Delhi, the 24th August, 1990

S.O. 2340.—In exercise of the powers conferred by Section 53 read with Section 56 of the Banking Regulation Act, 1949 (10 of 1949), the Central Government, on the recommendation of the Reserve Bank of India, hereby declares that the provisions of Section 31 of the said Act read with Rule 10 of the Banking Regulation (Co-operative Societies) Rules, 1966 shall not apply to :

1. The Koduvayur Co-operative Urban Bank Ltd., Koduvayur.

2. The Adoor Co-operative Urban Bank Ltd., Adoor.

3. Badagara Co-operative Urban Bank Ltd., P.O. Badagara.

4. Karunagappally Taluk Urban Co-operative Bank Ltd., Karunagappally.

5. The Co-operative Urban Bank Ltd., Kottarakara.

6. Meppayur Co-operative Urban Bank Ltd., P.O. Meppayur.

7. The Nemmara Co-operative Urban Bank Ltd., Nemmara.

8. Shoranur Co-operative Urban Bank Ltd., Shoranur.

9. Thiruvalla Urban Co-operative Bank Ltd., Thiruvalla.

10. The Coastal Urban Co-operative Bank Ltd., Kottamukku.

11. The Alleppey Urban Co-operative Bank Ltd., Alleppey.

so far as they relate to their publications of the Balance Sheets and Profit & Loss Accounts for the year ended June 30, 1989 together with the auditor's report in the news papers.

[F. No. 6(2)/90-AC]

P. K. TEJYAN, Under Secy.

(बीमा प्रभाग)

नई दिल्ली, 21 अगस्त, 1990

का.आ. 2341.—बीमा अधिनियम, 1938 (1938 का 4) की धारा 27-ए की उपधारा (1) के खण्ड (थ) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, केन्द्रीय सरकार एतद्वारा भारतीय जीवन बीमा निगम द्वारा बैंक के जमा प्रमाण पत्रों पर लगाई गई धनराशि को उक्त धारा के प्रयोजन के लिए "अनुमोदित" निवेश घोषित करती है।

[फा.सं. 131(1)/निवेश/90]

एस. कण्णन, संयुक्त सचिव

(Insurance Division)

New Delhi, the 21st August, 1990

S.O. 2341.—In exercise of the powers conferred by Clause (q) of Sub-Section (1) of Section 27(A) of the Insurance Act, 1938 (4 of 1938) the Central Government hereby declares the placement of money by Life Insurance Corporation of India on Certificates of Deposits of Banks as "approved" Investment for the purpose of the said section.

[F. No. 131(1)/Inv.90]

S. KANNAN, Jt. Secy.

वाणिज्य मंत्रालय

नयी दिल्ली, 25 अगस्त, 1990

का.आ. 2342—निर्यात (क्वालिटी नियंत्रण और निरीक्षण) अधिनियम, 1963 (1963 का 22) की धारा 7 की उप-धारा (1) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, केन्द्रीय सरकार मैसर्स एडिसन एण्ड कम्पनी लि० 4/18/19, स्मिथ रोड, अन्ना सलाई, मद्रास-600002 में स्थित उनके कारखाने में विनिर्मित लघु औजार अर्थात् बरमा, ड्रिल, एण्ड मिल, परिछिद्रक, पट्टी काटने वाला औजार, टेपर, शेककोर ड्रिल, स्लॉट ड्रिल का निर्यात से पूर्व निरीक्षण करने के लिए मैसर्स एडिसन एण्ड कम्पनी लिमिटेड, को जिनका रजिस्ट्रीकृत कार्यालय 803, अन्ना सलाई, मद्रास-600002 में है, इस अधिसूचना के राजपत्र में प्रकाशन की तारीख से तीन वर्ष की अवधि के लिए निम्नलिखित शर्तों के अधीन रहते हुए, अभिकरण के रूप में मान्यता देनी है, अर्थात् :—

1. कि 4/18/19 स्मिथ रोड, अन्ना सलाई, मद्रास-600002 में स्थित उनके कारखाने में विनिर्मित लघु औजार, अर्थात् बरमा ड्रिल एण्ड मिल, परिछिद्रक, पट्टी काटने वाला औजार, टेपर शेककोर ड्रिल, और स्लॉट ड्रिल का निर्यात से पूर्व मैसर्स एडिसन एण्ड कम्पनी लिमिटेड निरीक्षण करेगी और यह ऐसे अधिकारी के तकनीकी नियंत्रण में किया जाएगा जिसका पद निर्यात निरीक्षण अभिकरण, मद्रास के अपर निवेशक के कम न हो और इस प्रयोजन के लिए मैसर्स एडिसन एण्ड कम्पनी लिमिटेड अपनी यूनिट 4/18/19 स्मिथ रोड, अन्ना सलाई मद्रास-600002 से निर्यात की गई वस्तुओं के पोत पर्यन्त निःशुल्क (एफ ओ बी) मूल्य के 0.1/०% की दर से राशि निर्यात निरीक्षण अभिकरण-मद्रास को देगी जो एक वर्ष कम से कम दो हजार पाँच सौ रुपये और अधिक से अधिक एक लाख रुपये होगी।

2. मैसर्स एडिसन एण्ड कम्पनी लिमिटेड इस अधिसूचना के अधीन अपने कृत्यों के पालन में ऐसे निर्देशों द्वारा आबद्ध होगी जो निदेशक (निरीक्षण एवं क्वालिटी नियंत्रण) समय-समय पर उसे दें।

स्पष्टीकरण :—

इस अधिसूचना के प्रयोजनार्थ लघु औजारों से अभिप्राय कोई भी ऐसा लघु औजार है जिसका प्रयोग यंत्रों द्वारा यांत्रिक कार्य करते हुए किया जाता है।

[फाइल सं. 5/8/90-ई.आई. एण्ड ई.पी.]

MINISTRY OF COMMERCE

New Delhi, the 25th August, 1990

S.O. 2342.—In exercise of the powers conferred by Sub-section (1) of Section 7 of the Export (Quality Control and Inspection) Act, 1963 (22 of 1963), the Central Government hereby recognises M/s. Addison & Co. Ltd., having their registered office at 803, Anna Salai, Madras-600002 as the Agency, for a period of 3 years from the date of publication of this Notification in the Official Gazette, for inspection of Small Tools viz. Twist drills, End Mills, Reamers Taps, Cutters, Taper Shank core drills and Slot drills manu-

factured at their works 4/18/19 Smiths Road, Anna Salai, Madras-600002 prior to export subject to the following conditions namely :—

1. M/s. Addison & Co. Ltd., shall carry out inspection of Small Tools viz. Twist drills, End Mills, Reamers Taps, Cutters, Taper Shank core Drills and Slot Drills manufactured at their works 4/18/19 Smith Road, Anna Salai, Madras-600002 prior to export under the technical control of an officer not below the rank of Additional Director, Export Inspection Agency—Madras and for this purpose M/s. Addison & Co. Ltd., Madras shall pay to the Export Inspection Agency, Madras an amount at the rate of 0.1 per cent of FOB (Free on board) value of the items exported from their unit at 4/18/19, Smith Road, Anna Salai, Madras-600002 subject to a minimum of rupees two thousand five hundred and maximum of rupees one lakh in a year.
2. M/s. Addison & Co. Ltd., in the performance of its functions under this notification shall be bound by such direction as the Director (Inspection & Quality Control) may give to it from time to time.

EXPLANATION.—For the purpose of this Notification Small Tools means any of the small tools used by machinists while doing machining work.

[File No. 5/8/90-EI&EP]

का.आ. 2343 :—निर्यात (क्वालिटी नियंत्रण और निरीक्षण) नियम, 1964 के साथ पठित निर्यात (क्वालिटी नियंत्रण और निरीक्षण) अधिनियम, 1963 (1963 का 22) की धारा 3 द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, केन्द्रीय सरकार भारत के राजपत्र, भाग-II, खंड-3 उपखंड-(ii) तारीख 07 अक्टूबर, 1979 में प्रकाशित वाणिज्य मंत्रालय की अधिसूचना सं. का.आ. 2490 तारीख 23 सितम्बर, 1989 में एतद्वारा निम्नलिखित संशोधन करती है।

12 से 16 नं० तक की प्रविष्टियों पर निम्नलिखित प्रतिस्थापित किया जाएगा अर्थात् :—

- “(12) अध्यक्ष, रसायन तथा सम्बद्ध उत्पाद निर्यात संवर्धन परिषद, कलकत्ता।
- (13) प्रेजीडेंट, सीफूड एक्सपोर्टर्स एसोसिएशन, कोचीन।
- (14) अध्यक्ष, चमड़ा निर्यात परिषद, मद्रास।
- (15) अध्यक्ष, इण्डियन जूट मिल्स एसोसिएशन, कलकत्ता
- (16) अध्यक्ष अभियांत्रिक निर्यात संवर्धन परिषद, कलकत्ता।

[फाइल सं. 3/90/85 ई.आई. एण्ड ई.पी.]

S.O. 2343.—In exercise of the powers conferred by Section 3 of the Export (Quality Control and Inspection) Act, 1963 (22 of 1963) read with Rule 3 of Export (Quality Control and Inspection) Rules, 1964, the Central Government hereby makes the following amendment in the Notification No. S.O. 2490 dated 23rd September, 1989 published in the Gazette of India, Part-II, Section 3, Sub-section

(ii) dated 7th October, 1989, of Ministry of Commerce.

For the entry appearing at Sl. Nos. 12 to 16, the following shall be substituted namely :—

- “(12) Chairman, Chemicals & Allied Products Export Promotion Council, Calcutta.
- (13) President, Sea Food Exporters' Association, Cochin.

- (14) Chairman, Council for Leather Exports, Madras.
 (15) Chairman, Indian Jute Mills Association, Calcutta.
 (16) Chairman, Engineering Export Promotion Council, Calcutta."

[F. No. 3/90/85-FI&EP]

नई दिल्ली, 8 सितम्बर, 1990

का.आ. 2344 :—केन्द्रीय सरकार, निर्यात (क्वालिटी नियंत्रण और निरीक्षण) अधिनियम, 1963 (1963 का 22) की धारा 7 द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, एतद्वारा मैसर्स जैनीथ लिमिटेड, खोपोली (महाराष्ट्र) 410203 में विनिर्मित स्टील ट्यूब (15 एम एम से 200 एम एम नली) के निर्यात से पूर्व निरीक्षण करने के लिए मै. जैनीथ लि., खोपोली-410203 को जिनका रजिस्ट्रीकृत कार्यालय, मोती महल, 195, चर्च गेट, रिकलेमेशन बम्बई-400020 में है, अधिकरण के रूप में निम्नलिखित शर्तों के अधीन अधिसूचना के राजपत्र में प्रकाशित होने की तारीख से तीन वर्ष की अवधि के लिए मान्यता देती है, अर्थात् :—

1. मैसर्स जैनीथ लि., खोपोली में विनिर्मित स्टील ट्यूब (15 मि.मी. से 200 मि.मी. सामान्य बंडल) का निर्यात से पूर्व मैसर्स जैनीथ लि. निरीक्षण करेगी और यह ऐसे अधिकारी के तकनीकी नियंत्रण में किया जाएगा, जिसका पद निर्यात निरीक्षण अधिकरण-बम्बई के अपर निदेशक से कम न हो और इस प्रयोजन के लिए मैसर्स जैनीथ लि. अपनी यूनिट मैसर्स जैनीथ लि., खोपोली-410203 में निर्यात की गई स्टील ट्यूबों (15 मि.मी. से 200 मि.मी. सामान्य बंडल) के पोत पर्यन्त निःशुल्क (एफ.ओ.डी.) मूल्य के 0.1 प्रतिशत की दर से राशि निर्यात निरीक्षण अधिकरण, बम्बई को देगी जो एक वर्ष में कम से कम दो हजार पाँच सौ रुपये और अधिक से अधिक एक लाख रुपये होगी।

2. मैसर्स जैनीथ लि. इस अधिसूचना के अधीन अपने कार्यों के पालन में ऐसे निर्देशों द्वारा आबद्ध होगी जो निदेशक (निरीक्षण एवं क्वालिटी नियंत्रण) समय-समय पर लिखित रूप में दे सकते हैं।

स्पष्टीकरण:—इस अधिसूचना के प्रयोजन के लिए "स्टील ट्यूब" से अभिप्राय समान किनारे तथा पेंचदार (थ्रेड किनारा) तथा (रे) सॉकेट सहित या रहित या जो काली या गल्वनीकृत वेल्ड की हुई या सीवन रहित, ठोस, तरल, पदार्थ को सम्प्रेषित करने के लिए उपयुक्त मशीनों तथा संरचनात्मक प्रयोजनों जैसे स्टील फर्निचर, मॉर्किलों तथा विद्युत कंड्यूट के लिए उपयुक्त ट्यूबों से हैं। लेकिन उनमें सॉकेट सम्मिलित नहीं होंगे जब वे अलग से निर्यात के लिए बनाई गयी हों।

[फाईल सं. 5(5)/86-ई.आई. एण्ड ई.पी.]

ए.के. चौधुरी, निदेशक

New Delhi the 8th September, 1990

S.O. 2344.—In exercise of the powers conferred by sub-section (1) of section 7 of the Export (Quality Control and Inspection) Act, 1963 (22 of 1963), the Central Government hereby recognises M/s. Zenith Ltd., Khopoli (Maharashtra)-410203 having their registered office at Moti Mahal, 195, Churchgate Reclamation, Bombay-400020 as the Agency for a period of three years from the date of publication of this notification in the Official Gazette for inspection of steel tubes (15 mm to 200 mm nominal bore) manufactured at M/s. Zenith Ltd. Khopoli-410203 prior to export subject to the following conditions, namely :—

1. M/s. Zenith Ltd. shall carry out the inspection of steel tubes (15 mm to 200 mm nominal bore) manufactured at M/s. Zenith Ltd., Khopoli-410203 prior to export under the technical control of an officer not below the rank of Additional Director of the Export Inspection Agency, Bombay and for this purpose of M/s. Zenith Ltd., shall pay to the Export Inspection Agency, Bombay an amount at the rate of 0.1 per cent of the F.O.B. (free on board) value of steel tubes (15 mm to 200 mm nominal bore) exported from their unit at M/s. Zenith Ltd. Khopoli-410203 subject to a minimum of rupees two thousand five hundred and maximum of rupees one lakh in a year.

2. M/s. Zenith Ltd., in the performance of its functions under this notification shall be bound by such direction as the Director (Inspection and Quality Control) may give to it in writing from time to time.

Explanation : For purpose of this Notification 'Steel Tubes' means steel tubes with plain ends and/or screwed (threaded) end(s) with or without socket, either black or galvanised welded or seamless, suitable for conveying fluids, solids and for mechanical and structural purposes such as manufacture of steel furniture, bicycles and electrical conduits but shall not include sockets when they are meant for export individually.

[F. No. 5(5)/86-FI&EP]

A. K. CHAUDHURI, Director

(मुख्य निदेशक आयात-निर्यात का कार्यालय)

आदेश

नई दिल्ली, 10 अगस्त, 1990

का.आ. 2345 :—मै. पोलिग्रोफिकल्स इंडस्ट्रीज लिमिटेड, पोलिमर, डिवीजन, कार्पोरेट परचेज डिपार्टमेंट, मफ्त-लाल सेक्टर, 11वां तल नारिमन प्वाइंट बम्बई-400021 को पूंजीगत माल के आयात के लिए मुक्त विदेशी मन्ना के तहत लाइसेंस के साथ संलग्न सूची के अनुसार रु. 39,55,454 (उन्तोलिस लाख पचपन हजार चार सौ चब्बदन रुपये मात्र) का एक आयात लाइसेंस सं. पी/सीजी 2125888 दिनांक 12-12-88 प्रदान किया गया था। फर्म ने उपर्युक्त लाइसेंस की सीमाशुल्क प्रयोजन और विनियम प्रयोजन प्रतियों की दूसरी प्रतियां जारी करने के लिए इस आधार पर आवेदन किया है कि मल लाइसेंस की दोनों प्रतियां खो गई हैं या गुम हो गई हैं। प्राप्ति पत्र भी बताया गया है कि सीमाशुल्क प्रयोजन प्रति को कितने भी पोसाशुल्क प्राधिकारी से पंजीकृत नहीं कराया गया था इस कारण से सीमाशुल्क प्रयोजन प्रति के मूल्य का बिकसुत भी उपयोग नहीं किया गया है।

2. अपने तर्क के समर्थन में लाइसेंसधारी ने नोटरी पब्लिक के समक्ष विधिवत शपथ लेते हुए स्टाम्प पेपर पर एक हलफनामा दाखिल किया है। तदनुसार मैं सन्तुष्ट हूँ कि मूल आयात लाइसेंस सं. पी/सीजी/2125888 दि. 12-12-89 फर्म में खो गया है या गुम हो गया है। यथा-संशोधित आयात नियंत्रक आदेश, 1955 दि. 7-12-1955 की उप-धारा-9(घ) के अन्तर्गत प्रवृत्त शक्तियों का प्रयोग करते हुए मैं पोलिओलिफिन्स इंडस्ट्रीज लि., बम्बई को जारी उक्त मूल लाइसेंस को एतद्वारा रद्द किया जाता है।

उक्त लाइसेंस की एक अनुलिपि पार्टी को अलग में जारी की जा रही है।

[सं. सी.जी./2/811/21/89-90]

एस.के. भारद्वाज, उप मुख्य नियंत्रक, आयात-निर्यात

(Office of the Chief Controller of Imports & Exports)

ORDER

New Delhi, the 10th August, 1990

S.O. 2345.—M/s. Polyolefins Industries Ltd., Polymer Division, Corporate Purchase Deptt., Fafatal Centre, 11th Floor, Nariman Point, Bombay-400021 were granted an im-

port licence No. P/CG/2125888 dated 12-12-89 for Rs. 39,55,454 (Rs. Thirty nine lakhs fifty five thousand and four hundred fifty four only) for import of Capital Goods as per list attached with the licence under Free Foreign Exchange.

The firm has applied for issue of Duplicate Copy of Customs Purposes and Exchange Purpose Copies of the above mentioned licence on the ground that the original licence in duplicate has been lost or misplaced. It has further been stated that the Customs Purposes Copy of the licence was not registered with any Customs Authority and as such the value of Customs Purpose Copy has not been utilised at all.

2. In support of their contention, the licensee has filed an affidavit on stamped paper duly sworn in before a Notary Public. I am accordingly satisfied that the original import licence No. P/CG/2125/888 dt. 12-12-89 has been lost or misplaced by the firm. In exercise of the powers conferred under sub-clause 9(a) of the Imports (Control) Order, 1955 dt. 7-12-1955 as amended the said original import licence issued to M/s. Polyolefins Industries Ltd., Bombay is hereby cancelled.

A duplicate of the said licence is being issued to the party separately.

[No. CG.III/811/21/89-90]

S. K. BHARDWAJ, Dy. Chief Controller of Imports & Exports

साथ एवं नागरिक प्रति संश्लेष

(नागरिक प्रति विभाग)

भारतीय मानक ब्यूरो

नई दिल्ली, 8 अगस्त, 1990

का. प्र. 2346 :—भारतीय मानक ब्यूरो (प्रमाण मुहर) विनियम, 1955 के नियम 3 के उपनियम (2) और विनियम 3 के उपविनियम (2) और (3) के अनुसरण में भारतीय मानक ब्यूरो एतद्वारा अधिमूर्चित करता है कि जिन भारतीय मानकों के विवरण नीचे अनुसूची में दिए गए हैं वे दिनांक 31 दिसम्बर, 1989 से स्थापित किए गए हैं।

अनुसूची

क्रम संख्या	स्थापित भारतीय मानक की संख्या और शीर्षक	नए भारतीय मानक द्वारा प्रति-रक्षित भारतीय मानक अथवा मानकों, यदि कोई हों, की संख्या शीर्षक	टिप्पणी, यदि कोई हो।
(1)	(2)	(3)	(4)
1.	आई एस : 1296-1989 बरेलू सिमार्ड की मशीन पैर से बनेले आसी विनिर्दिष्ट (तीसरा पुनरीक्षण)	आई एस : 1296-1974	---
2.	आई एस : 1404-1989 जलपोतो की तली और हुल पर करने के लिए ब्रश से किया जाने वाला संश्लेषण रोधी लाल या आकलेंटी रोमान - विनिर्दिष्ट (दूसरा पुनरीक्षण)	आई एस : 1404-1970	---
3.	आई एस : 1414-1989 बाल कवरिंग जड़ना-रीनि गंत्रिना (पहला पुनरीक्षण)	आई एस : 1414-1962	---
4.	आई एस : 1732-1989 संरचना एवं सामान्य इंजीनियरी प्रयोजनों के लिए गोल और चौकोर प्रस्थान के मरिण (दूसरा पुनरीक्षण)	आई एस : 1732-1971	---
5.	आई एस : 1776-1989 अलेपित फोल्डिंग बाक्स बोर्ड - विनिर्दिष्ट (पहला पुनरीक्षण)	आई एस : 1776-1961	---
6.	आई एस : 2150-1989 आबमियों और लड़कों की बुनी रुम के लिए कपडा मूट, स्टोडसबीयर जैकेट, स्वीक और पेन्ट-विनिर्दिष्ट (पहला पुनरीक्षण)	आई एस : 2227-1962 और 2820-1961	---

(1)	(2)	(3)	(4)
7	आई एस : 2707-1989 मक्का कटरीकरण के लिए कार्बन इस्पात की इकाइयों (नीमरा पुनरीक्षण)	आई एस : 2707-1982	
8	आई एस : 2977-1989 कपड़ा (ऊन के अलावा) पानी मॉन्टर के आयामीय परिवर्तन के निर्धारण की विधि (पहला पुनरीक्षण)	आई एस : 2977-1964	---
9	आई एस : 3345-1989 खेती के लिए जल का विशिष्ट (पहला पुनरीक्षण)	आई एस : 3345-1965	---
10	आई एस : 3419-1989 बर्फ आंशिक कठोर के लिए फिटिंग की विशिष्ट (दूसरा पुनरीक्षण)	आई एस : 3419-1976	---
11	आई एस : 3522 (भाग 1) - 1989 वस्त्रों पर सामान्य परीक्षा के आकलन की विधियाँ, भाग 1 (पहला पुनरीक्षण)	आई एस : 3522 (भाग 1)-1966	---
12	आई एस : 3561-1989 रेशमी कपड़ा धोने पर आयामीय परिवर्तन-निर्धारण विधि (पहला पुनरीक्षण)	आई एस : 3561-1966	---
13	आई एस : 3839-1989 खाद्य खासकर विशिष्ट (पहला पुनरीक्षण)	आई एस : 3839-1966	---
14	आई एस : 3934-1989 कलाई और दुहरे फेस के लिए एल्यूमीनियम प्लग टाइप सफ़ाई - विशिष्ट (पहला पुनरीक्षण)	आई एस : 3934-1974	---
15	आई एस : 4152-1989 बोर्ड शिप पर अग्निप्रसन्न प्रयोजन के लिए संयोजन रखित कार्बन डाइऑक्साइड के मिनिडर-विशिष्ट (दूसरा पुनरीक्षण)	आई एस : 4152-1978	---
16	आई एस : 4321-1989 कृषि कीटनाशक 2, 4-डी तकनीकी शेड-विशिष्ट (दूसरा पुनरीक्षण)	आई एस : 4321-1978	---
17	आई एस : 4570 (भाग 12)-1989 फिस्टल इकाई होल्डर की विशिष्ट भाग 12 अग्नि लघुकाय, धातु, अग्न्युत्पन्न, दो तार फिस्टल इकाई होल्डर टाइप ई डी	---	---
18	आई एस : 4748-1988 धातुओं के क्रॉस कणसाहज आकलन की विधि (पहला पुनरीक्षण)	आई एस : 4748-1989	---
19	आई एस : 4910 (भाग 2)-1989 रेशे, धागे और टायरों के धागे के लिए कृत्रिम धागों से बनी लपेटन चदर (शीट) परीक्षण विधि, भाग 2 रेखीय घनत्व (पहला पुनरीक्षण)	आई एस : 4910 (भाग 2)-1968	---
20	आई एस : 4910 (भाग 8)-1989 रेशे, धागे और टायरों के धागे के लिए कृत्रिम धागों से बनी लपेटन चदर (शीट) परीक्षण विधि, भाग 8 मोटाई (पहला पुनरीक्षण)	आई एस : 4910 (भाग 8)-1970	---
21	आई एस : 6442-1989 वर्षाई शीशे की पसली के पिछले हिस्से के शीशे, पसली, ड्यूडर एडवर्ड पैटर्न - विशिष्ट (पहला पुनरीक्षण)	आई एस : 6442-1972	---
22	आई एस : 6966 (भाग 1) - 1989 वंश और वंशिका के जर्नीय डिजाइन-विशानिर्देश भाग 1 जलरोधी खंड (पहला पुनरीक्षण)	आई एस : 6966-1973	---
23	आई एस : 7906 (भाग 5) - 1989 हेलीकॉप्टर संपीड़न स्पिंग भाग 5 गोल संपीड़न सरियों से बनी एल्यूमीनीय कुंडलित स्पिंग (पहला पुनरीक्षण)	आई एस : 7906 (भाग 5)-1979	---
24	आई एस : 7950-1989 कृषि कीटनाशक केल्बियम तकनीकी शेड-विशिष्ट (पहला पुनरीक्षण)	आई एस : 7950-1976	---

(1)	(2)	(3)	(4)
25.	आई एस : 9061-1989 नेत्र शल्य क्रिया यंत्र-डिपेटर, पंचकटम, बाइलडर्स पैटर्न (रूपान्तरित) - विशिष्टि (पहला पुनरीक्षण)	आई एस : 9061-1979	---
26.	आई एस : 9223-1989 सुवाह्य भू प्रतिरोधी मीटर--विशिष्टि (पहला पुनरीक्षण)	आई एस : 9223-1979	---
27.	आई एस : 9536-1989 पांशोएमाइड धागा - विशिष्टि (पहला पुनरीक्षण)	आई एस : 9536-1980	---
28.	आई एस : 9733 (भाग 2)-1989 पूर्ण भरें परिवहण पैकेजों की कार्यकारिता परीक्षण अनुसूची के सुधीबद्ध करने के बिना निर्देश, भाग 2 मास्त्रात्मक आंकड़ें	---	---
29.	आई एस : 11270 (भाग 2)-1989 संश्लिष्ट रबड़ की परीक्षण विधियाँ, भाग 2 दोलनकारी चकती वाले क्यूरोमीटर से बलकनन अभिलक्षण का मापन	---	---
30.	आई एस : 12494-1989 यूरिया पैकिंग के लिए पटसन के कट्टे की विशिष्टि	---	---
31.	आई एस : 12530-1989 शेक टाइप गीयर शेपर कटर विशिष्टि	---	---
32.	आई एस : 12582-1989 जड़ित सरिए सहित टॉमीस्कू विशिष्टि	---	---
33.	आई एस : 12620-1989 उच्च दाब गैस सिलिंडर के उत्पादन के लिए सीबन रहित इस्पात के पाइप	---	---
34.	आई एस : 12636-1989 सूचना प्रक्रमण - 6.30 मिमी के घुम्बकीय टेप पर आंकड़ा अन्तरपरिवर्तन, 63 कीपीएमएम एन कोडित	---	---
35.	आई एस : 12645-1989 बल्क हैंडलिंग उपस्कर काउलर और पहिया ट्रेक्टर जोजर ब्लेड की आयतनी रेंडिंग की प्रक्रिया का निर्धारण	---	---
36.	आई एस : 12648-1989 मोटर बाहुन शॉक एक्जार्बेर का सिरा माउन्टिंग आयाम और परीक्षण	---	---
37.	आई एस : 12655 (भाग 4) 1988 चिकित्सा प्रयोग के लिए श्पूजन उपस्कर भाग 4 एकल प्रयोग के लिए श्पूजन सैट	---	---
38.	आई एस : 12656-1989 रबड़ और प्लास्टिक की हौज और तालिया-बंकन परीक्षण	---	---
39.	आई एस : 12657-1989 रबड़ और प्लास्टिक की हौज उप परिवेण ताप पर नम्यता परीक्षण	---	---
40.	आई एस : 12659-1989 चमड़ा-चमड़ पर सतह लेपन की मोटाई और मापन-परीक्षण विधि	---	---
41.	आई एस : 12664 (भाग 1) - 1989 कृत्रिम भ्रग-लोधर एक्सट्रिमिटी प्रोसयेसिस के लिए सौच पाद	---	---
42.	आई एस : 12671-1989 ताजा अथवा संसाधित खाल के दोषों की पारिभाषिक शब्दावली	---	---
43.	आई एस : 12675-1989 परिधान गुणता की विश्वशिक्षा	---	---
44.	आई एस : 12679-1989 प्लास्टर, ब्लाक और बोर्ड में प्रयोग के लिए उत्पाद जिप्सम	---	---
45.	आई एस : 12681-1989 विस्फोटकों और आतिशबाजी उपयोग के लिए सोडियम नाइट्रेट--विशिष्टि	---	---
46.	आई एस : 12702-1989 कृषि कीटनाशक बानेवार पेन्डीमियालिन	---	---
47.	आई एस : 12703-1989 बानिकी के बीजार वृक्ष अंकन के लिए ह्यूड्डे--विशिष्टि	---	---
48.	आई एस : 12704-1974 बानिकी के बीजार कमान द्वारा ब्लेडों के लकड़ी के मेलक--विशिष्टि	---	---
49.	आई एस : 12706-1989 रंजक मध्यवर्ती नेपथाल, ए एस ई--विशिष्टि	---	---
50.	आई एस : 12707-1989 रंजक मध्यवर्ती नेपथाल ए एस डी--विशिष्टि	---	---

(1)	(2)	(3)	(4)
51	आई.एस. 12717-1989 अग्निशमन उपकरण उच्च क्षमता के सुवाह्य पम्प सेट (1100-1600 लि/मिनट - कार्यात्मक अपेक्षाएं)	---	---
52	आई.एस. 12719-1989 जलपोत निर्माण--डैक मशीनरी--सामान्य अपेक्षाएं	---	---

इन भारतीय मानकों की प्रतियां मानक ब्यूरो, मानक भवन, 9 बहादुर शाह जफर मार्ग, नई दिल्ली 110002 तथा इसके क्षेत्रीय कार्यालय : बम्बई, कलकत्ता, चेन्नई, श्रीर मदरास एवं शाखा कार्यालय : अहमदाबाद, बंगलौर, भोपाल, भुवनेश्वर, गुवाहाटी, हैदराबाद, जयपुर, कानपुर, पटना, त्रिवेन्द्रम, फरीदाबाद, गाजियाबाद में विक्री के लिए उपलब्ध हैं।

[म. के प्र. वि./13:2]

MINISTRY OF FOOD AND CIVIL SUPPLIES

(Department of Civil Supplies)

BUREAU OF INDIAN STANDARDS

New Delhi, the 8th August, 1990

S.O. 2346: --In pursuance of clause (b) of Sub-rule (1) of Rule 7 of Bureau of Indian Standards Rules, 1987, the Bureau of Indian Standards hereby notifies that the Indian Standard(s), Particulars of which are given in the Schedule hereto annexed, have been established on December 1989.

SCHEDULE

Sl. No., Year and Title of the Indian Standard(s) Established No.	No. and year of the Indian Standard or Standards, if any, superseded by the new Indian Standard	Remarks, if any
(1)	(2)	(3)
1. IS: 1296--1989 Household sewing machine--Presser foot Specification (Third Revision)	IS: 1296--1974	---
2. IS: 1404--1989 Anti-corrosive paint, brushing, for ships' bottoms and hulls, red or chocolate--Specification (Second Revision)	IS: 1404--1970	---
3. IS: 1414--1989 Fixing of wall coverings--Code of Practice (First Revision)	IS: 1414--1962	---
4. IS: 1732--1989 Steel bars, round and square for structural and general engineering purposes--Dimensions (Second Revision)	IS: 1732--1971	---
5. IS: 1776--1989 Folding box board, uncoated--Specification (First Revision)	IS: 1776--1961	---
6. IS: 2150--1989 Fabrics for men's and boys' woven dress-suit, sportswear, jacket, slack and trouser--Specification (First Revision)	IS: 2227--1962 and IS: 2820--1964	---
7. IS: 2707--1989 Carbon steel castings for surface hardening--Specification (Third Revision)	IS: 2707--1982	---

1	2	3	4
8.	IS: 2977—1989 Fabrics (other than wool)—Method for determination of dimensional changes on soaking in water (First Revision)	IS: 2977—1964	—
9.	IS: 3345—1989 Sports nets—Specification (First Revision)	IS: 3345—1965	—
10.	IS: 3419—1989 Specification for fittings for rigid non-metallic conduits (Second Revision)	IS: 3419—1976	—
11.	IS: 3552 (Part 1)—1989 Methods for estimation of common preservatives on textiles—Part 1 (First Revision)	IS: 3522 (Part 1)—1966	—
12.	IS: 3561—1989 Silk fabrics—Dimensional changes on washing—Method for determination (First Revision)	IS: 3561—1966	—
13.	IS: 3839—1989 Food yeast—Specification (First Revision)	IS: 3839—1966	—
14.	IS: 3934—1989 Aluminium plug type spindles for spinning and doubling frames—Specification (Second Revision)	IS: 3934—1974	—
15.	IS: 4152—1989 Seamless carbon dioxide cylinders for fire-fighting purposes on boardship—Specification (Second Revision)	IS: 4152—1978	—
16.	IS: 4321—1989 Pesticides—2, 4-D, Technical—Specification (Second Revision)	IS: 4321—1978	—
17.	IS: 4570 (Part 12)—1989 Specification for Crystal unit holders Part 12 Microminiature, metal, cold-welded, two-wire crystal unit holder type EB	—	—
18.	IS: 4748—1988 Methods for estimating average grain size of metals (First Revision)	IS: 4748—1968 & IS: 2853—1964	—
19.	IS: 4910 (Part 2)—1989 Tyre yarns, cords and tyre cord warpsheets made from man-made fibres—Methods of test Part 2 Linear density (First Revision)	IS: 4910 (Part 2)—1968	—
20.	IS: 4910 (Part 8)—1989 Tyre yarns, cords and tyre cord warpsheets made from man-made fibres—Methods of tests Part 8 Thickness (First Revision)	IS: 4910 (Part 8)—1970	—
21.	IS: 6442—1989 Thoracic surgery instruments—shears, rib, tudor edward's pattern, for posterior end of Ribs—Specification (First Revision)	IS: 6442—1972	—
22.	IS: 6966 (Part 1)—1999 Hydraulic design of barrages and weires—Guidelines Part 1 Alluvial Reaches (First Revision)	IS: 6966—1973 &	—

1	2	3	4
23.	IS: 7906 (Part 5)--1989 Helical compression springs Part 5 Hot coiled springs made from circular section bars-Specification (First Revision)	IS: 7906 (Part 5) --1979	—
24.	IS: 7950—1989 Pesticides --fenthion, technical-Specification (First Revision)	IS: 7950—1976	—
25.	IS: 9061—1989 Eye surgery instruments-Dilators, punctum, wilder's Pattern (Modified)—Specification (First Revision)	IS: 9061—1979	—
26.	IS: 9223—1989 Portable earth resistance meter-Specification (First Revision)	IS: 9223—1979	—
27.	IS: 9536—1989 Polyamide cord-Specification (First Revision)	IS: 9536—1980	—
28.	IS: 9733 (Part 2)—1987 Guidelines for compilation of performance tests schedules of complete filled transport packages Part 2 Quantitative Data	—	—
29.	IS: 11270 (Part 2)—1989 Methods of tests for synthetic rubber Part 2 Measurement of vulcanization characteristics with oscillating disc curemeter (SR: 2)	—	—
30.	IS: 12494--1988 Specification for jute bags for packing urea	—	—
31.	IS: 12538—1989 Small Tools-shrak type gear shaper cutter-Specification	—	—
32.	IS: 12582—1989 Tommy screws with fixed bar-Specification	—	—
33.	IS: 12620—1989 Seamless steel tubes for manufacturing high pressure gas cylinders-Specification	—	—
34.	IS: 12636—1989 Information processing-Data interchange on 6.30 mm Magnetic tape cartridge, 63 bpm Phase-Encoded	—	—
35.	IS: 12645—1989 Bulb handling equipment-crawler and wheel tractor dozer-determination procedure for volumetric ratings of blades	—	—
36.	IS: 12648—1989 Automotive vehicles-end mountings of shock absorbers-Dimensions and tests	—	—
37.	IS: 12655 (Part 4)—1988 Infusion equipment for medical use Part 4 Infusion sets for single use	—	—
38.	IS: 12656---1989 Rubber or plastics--hoses and tubing-Bending tests	—	—
39.	IS: 12657—1989 Rubber and plastics hoses-sub-ambient temperature flexibility tests	—	—

1	2	3	4
40.	IS: 12659—1989 Leather-Measurement of thickness of surface coating on leather-method of test		
41.	IS: 12664 (Part 1)—1989 Artificats limbs-Sachfoot for lower extremity prosthesis Part 1 Design and Dimensions		
42.	IS: 12671—1989 Hides and skins, fresh or cured-glossary of defects		
43.	IS: 12675—1989 Guide to Garment quality		
44.	IS: 12679—1989 By-product gypsum for use in plaster, blocks and boards-Specification		
45.	IS: 12681 --1989 Sodium nitrate for explosives and pyro-technic industry-Specification		
46.	IS: 12702 —1989 Pesticides-Pendimethal in granules-Specification		
47.	IS: 12703—1989 Forestry Tools Tree marking hammers-Specification		
48.	IS: 12704—1989 Forestry tools-Wooden jointer for bow saw blade-Specification		
49.	IS: 12706—1989 Dye intermediates-naphthol AS-F Specification		
50.	IS: 12707—1989 Dye intermediates-Naphthol AS-D-Specification		
51.	IS: 12717—1989 Fire fighting equipment-High capacity portable pump set (1100-1600l/min)—Functional Requirements		
52.	IS: 12719—1989 Ship building-Deck machinery-General Requirements		

Copies of these Indian Standards are available for sale with the Bureau of Indian Standards, Manak Bhavan, 9 Bahadur Shah Zafar Marg, New Delhi-110002 and Regional Offices: Bombay, Calcutta, Chandigarh and Madras and also Branch Offices : Ahmedabad, Bangalore, Bhopal, Bhubaneswar, Guwahati Hyderabad, Jaipur, Kanpur, Patna and Trivandrum, Faridabad, Ghaziabad.

[No. CMD/13 : 2]

का. आ. 1347—भारतीय मानक ब्यूरो, नियम, 1987 के नियम 7 के उपनियम (1) के खंड (ख) के अन्वय में भारतीय मानक ब्यूरो द्वारा अधिसूचित किया है कि जिस/जिन भारतीय मानक/मानकों का/के विवरण नीचे अनुसूची में दिया गया है/दिए गए हैं, वह/वे दिनांक 31 मार्च, 1990 को स्थगित हो गया/गये हैं।

अनुसूची

भारत में स्थापित भारतीय मानक (कां) की संख्या वर्ष और परिष्कृत		नए भारतीय मानक द्वारा अति-स्थगित यदि कोई हो अभिलेखित भारतीय मानक अथवा मानकों यदि कोई हों, की सं. और वर्ष	
(1)	(2)	(1)	(4)
1. आई एस: 57-1989 रोगन और अथ प्रयोजनों के लिए रीट लैड (मिश्रित)	आई एस: 57-1965		-- अन्य --
द्वि-दिशित			
(द्वारा पुनरीक्षण)			

1	2	3	4
2.	आई एस: 397 (भाग 4)--1987 उत्पत्ति के दौरान सांख्यिकीय गुणों, नियंत्रण की विधि भाग 4 मास्टर कंट्रोल तंत्र	--	गुप्त
3.	आई एस: 954--1989 समकाल प्रयोग के लिए कार्बन डाईऑक्साइड के बाहुल्य-कार्यात्मक अपेक्षाएं (दूसरा पुनरीक्षण)	आई एस: 954--1974	--वही--
4.	आई एस: 1030--1989 सामान्य प्रयोजनों के लिए कार्बन हस्तांतरण की डलाइयां, आई. एम. : 1030--1982 (पहला पुनरीक्षण)		--वही--
5.	आई एस: 1419--1989 जलवायु की तनी और हल पर दृष्टि से किया जाने वाला परिवर्तन रोधी रोगन--विशिष्ट (दूसरा पुनरीक्षण)	आई एस: 1419--1981	--वही--
6.	आई एस: 1420--1989 हल्का मैग्नीशियम कार्बोनेट विशिष्ट (दूसरा पुनरीक्षण)	आई एस: 1428--1972	--वही--
7.	आई एस: 1561--1989 ड्राईंग कार्यालयों के प्रयोग हेतु सैंड स्वच्छावर--विशिष्ट (पहला पुनरीक्षण)	आई एस: 1561--1962	--वही--
8.	आई एस: 1642--1989 भवनों की भाग से सुरक्षा (सामान्य)--निर्माण का विवरण--रीस संहिता (पहला पुनरीक्षण)	आई एस: 1642--1960	--वही--
9.	आई एस: 2602--1989 विद्युत लेपन के लिए कार्बन एनो--विशिष्ट (पहला पुनरीक्षण)	आई एस: 2602--1964	--वही--
10.	आई एस: 2615--1989 जम्बूर, मडली, निपट-नकली की आपूर्ति की व्यवस्थाएं (दूसरा पुनरीक्षण)	आई एस: 2615--1981	--वही--
11.	आई एस: 3206--1989 इंजीनियरों की ड्राइंग के लिए यंत्र-परकार-विशिष्ट (पहला पुनरीक्षण)	आई एस: 3206--1965	--वही--
12.	आई एस: 3207--1989 इंजीनियरों की ड्राइंग के लिए यंत्र-वर्गी कम्पास-विशिष्ट (पहला पुनरीक्षण)	आई एस: 3207--1966	--वही--
13.	आई एस: 3210--1989 इंजीनियरों की ड्राइंग के लिए यंत्र-ड्राइंग स-विशिष्ट (पहला पुनरीक्षण)	आई एस: 3210--1965	--वही--
14.	आई एस: 3242--1989 आकृतिकपाइक अभ्रम (बान अभ्रम)--विशिष्ट (पहला पुनरीक्षण)	आई एस: 3242--1963	--वही--
15.	आई एस: 3752--1988 एल्काहलीय (पहला पुनरीक्षण)	आई एस: 3752--1967	--वही--
16.	आई एस: 3823--1988 रीनिंग बेयरिंग स्वैचिक भार की रेटिंग (दूसरा पुनरीक्षण)	आई एस: 3823--1984	--वही--
17.	आई एस: 4205--1989 ड्राफ्टिंग स्टूडन-विशिष्ट (दूसरा पुनरीक्षण)	आई एस: 4205--1973	--वही--
18.	आई एस: 5289--1989 बुल्बकीय कुतुबनुमा और डिनेमो बूटल--विशिष्ट आदिक शब्दावली (पहला पुनरीक्षण)	आई एस: 5289--1969	--वही--
19.	आई एस: 5692--1988 त्रिण्य रीनिंग बेयरिंग के लिए छूट (पहला पुनरीक्षण)	आई एस: 5692--1979	--वही--
20.	आई एस: 5960 (भाग 15)--1989 मांस एवं मांस उत्पादन-रक्षण विधि भाग 15 एम () हाइड्रो-आक्सीप्रोपेन का निर्माण	--	--वही--
21.	आई एस: 6008--1989 आर्क डी.एल.ए. पावर स्त्रोत, एक प्रचालक रेक्टोफायर थाइर ए सो और डी सो विशिष्ट (पहला पुनरीक्षण)	आई एस: 6008--1971	--वही--

(1)	(2)	(3)	(4)
22. आई एस: 6338--1989 कर्मियों वेतन (फिक्स्ड)--विशिष्ट (पहला पुनरीक्षण)	आई एस: 6338--1971	--वही--	
23. आई एस: 7070--1988 लकड़ी की खनिकारी की रीक, मनायोज्य और भयमा-योज्य टाइट विनिष्ट (पहला पुनरीक्षण)	आई एस: 7070--1973	--वही--	
24. आई एस: 7173--1989 खाजदार पेंडेंट टैपिंग स्कू (पहला पुनरीक्षण)	आई एस: 7173--1974	--वही--	
25. आई एस: 7426--1989 विद्युत लेपित प्लास्टिक के मूल्यांकन के लिए तापीय चक्रण परीक्षण-विधि (पहला पुनरीक्षण)	आई एस: 7426--1974	--वही--	
26. आई एस: 8436--1989 विशेष तूना निर्माद विनिष्ट (पहला पुनरीक्षण)	आई एस: 8436--1977	--वही--	
27. आई एस: 8650 (भाग 1 से 5)--1989 जलपोत निर्माण-बैक मशीनरी-पारिभाषिक शब्दावली और प्राकीय प्रतीक (पहला पुनरीक्षण)	आई एस: 8650--1978	--वही--	
28. आई एस: 9049--1989 कृषि उत्पाद मिलित मशीनरी-भाग का शिक्षका उत्तरने की मशीन, रजिस्ट्रेशन संहिता (पहला पुनरीक्षण)	आई एस: 9049--1979	--वही--	
29. आई एस: 11654 (भाग 3/खंड 405)--1989 विद्युत रोधन स्वीचिंग की विशिष्ट भाग 3 प्रत्येक टाइट की स्वीचिंग की विशिष्ट खंड 405 समकक्ष शब्दादि, एकाधिक आधारित लेप सहित स्वीचिंग निम्न ग्रेड डाउन सामर्थ्य		--वही--	
30. आई एस: 12205--1988 बाइसिकल हू एसेम्बली की विशिष्ट--पी एच टाइट	--	--वही--	
31. आई एस: 12418 (भाग 3)--1987 अंतरागतमयी गर्म निरोधक युक्तियों की विशिष्ट भाग 3 वैक्यूम और लैबिंग	--	--वही--	
32. आई एस: 12429 (भाग 2)--1988 कोडिया टेपरिकार्ड के लिए समय और नियंत्रण कोड भाग 2 ऊर्ध्व--अधोमुख तन्त्र कोड (VI टी सी)	--	--वही--	
33. आई एस: 12505 (भाग 1)--1988 ट्रेफिको औररेमा दूध भाग- कनेक्टर्स	--	--वही--	
34. आई एस: 12649--1989 विभिन्न उपयोगों के लिए उपचारित/लेपित वस्त्रादि चयन की मार्गदर्शिका	--	--वही--	
35. आई एस: 12663 (भाग 1)--1989 बल्क हंडलिंग उपकरण-रिकलेमर-चयन के लिए भाग 1 रिकलेमर (रेल माउन्टेड)	--	--वही--	
36. आई एस: 12665 (भाग 1)--1989 प्रेस बकिंग मशीन, शीट भाग 1 सामान्य भाषा और सर्वेक्षण	--	--वही--	
37. आई एस: 12668--1989 स्पार्ज लौह/प्रत्यक्ष प्रचलित लौह के लक्षण (डी और आई)	--	--वही--	
38. आई एस: 12672--1989 शंट संभारित के लिए प्रास्तिक प्यूज और प्रास्त-रिक प्रतिवाह बिच्छेयक--विशिष्ट	--	--वही--	
39. आई एस: 12687--1989 छोटे मशीन-टैपिंग स्कू कृषियों से पहले छेवों के लिए मार्स टेपर शीट सहित सबलेट टिबस्ट ड्रिल	--	--वही--	
40. आई एस: 12692--1989 छोटे मशीन-काउन्टर के लिए मुक्तांतर छेव और काउन्टर बिक ड्रेनु समांतर शीट सहित सबलेट टिबस्ट ड्रिल	--	--वही--	
41. आई एस: 12695--1989 मोटर वाहन--तिपहिया वाहन--गुरुत्व केन्द्र का निर्धारण	--	--वही--	
42. आई एस: 12708--1988 1.5 से 30 मी. हट्टेज रेंज की प्राकृति में प्रचालित रेडियो स्रोत से ध्वनि और टेलीविजन प्रसारण रिसीवर की ह्यूनिटी का धारा इंजेक्शन विधि द्वारा मापन	--	--वही--	

(1)	(2)	(3)	(4)
42. आई एस: 12714-1989 विद्युत सम्पर्क के लिए द्विघाटिक टेप-विशिष्ट	---	---	--शून्य--
43. आई एस: 12716 (भाग 2)-1989 इन्डेक्सेबिल इंसर्ट सहित एंड मिल भाग 2 मास टेपर ग्रीक सहित	---	---	--बही--
44. आई एस: 12727-1989 सीट सीमेंट कंक्रीट में नो फाइन्स-डलाई-रिती संहिता	--	---	--बही--
45. आई एस: 12741-1989 बैकरी उत्पाद-नमूने लेने की विधियाँ	---	---	--बही--
46. आई एस: 12745 (भाग 1)-1988 हारोला-जीवक शब्दावली भाग 1 वैज्ञानिक परिभाषाएं	---	---	--बही--
47. आई एस: 12747 (भाग 2)-1989 विद्युत-रोधन के लिए संयुक्त मध्य सामग्री परीक्षण विधि	---	---	--बही--
48. आई एस: 12751-1989 कृषि कीटनाशक-पेन्टा-मिथासिन-ई सी-विशिष्ट	---	---	--शून्य--
49. आई एस: 12754 (भाग 1)-1989 प्रक्रम मापन, कार्य और मापन यंत्रण प्रतीकात्मक चित्रण भाग 1 आधारभूत अपेक्षाएं	---	---	--बही--
50. आई एस: 12754 (भाग 3)-1989 प्रक्रम मापन, कार्य और मापन यंत्रण-प्रतीकात्मक चित्रण भाग 3 यंत्र घट्टकरनेकाल आरेखों के विस्तृत प्रतीक	---	---	--बही--
51. आई एस: 12756-1989 पनीर और पनीर उत्पाद-फास्फोरस अंश का निर्धारण-प्रशु प्रवर्धन स्पेक्ट्रोमीट्रिक विधि	--	---	--बही--
52. आई एस: 12757-1989 पनीर और पनीर उत्पाद-सिट्रिक अम्ल अंश का निर्धारण (संदर्भ विधि)	---	---	--बही--
53. आई एस: 12758-1989 पनीर और पनीर उत्पाद-बर्सा अंश का निर्धारण आरात्मक विधि (संदर्भ विधि)	---	---	--बही--
54. आई एस: 12759-1989 गुणक दुग्ध और गुणक दुग्ध उत्पाद-प्रविलयता गुणांक का निर्धारण	---	---	--बही--
55. आई एस: 12760-1989 सोडियम और पोटैशियम अंश का निर्धारण ज्वाला उत्सर्जन स्पेक्ट्रोमीट्रिक विधि	---	---	--बही--
56. आई एस: 12761 (भाग 2)-1989 गैसीय बहिष्कारों में रेडियो सक्रियता के सतत मानीटरिंग के लिए उपस्कर भाग 2 एरिओसोल बहिष्कार मानीटर के लिए विशिष्ट अपेक्षाएं	---	---	--बही--
57. आई एस: 12761 (भाग 3)-1989 गैसीय बहिष्कारों में रेडियो सक्रियता के सतत मानीटरिंग के लिए उपस्कर भाग 3 सक्रिय गैस मानीटर के लिए विशिष्ट अपेक्षाएं	---	---	--बही--
58. आई एस: 12761 (भाग 4)-1989 गैसीय बहिष्कारों में रेडियो सक्रियता के सतत मानीटरिंग के लिए उपस्कर भाग 4 आयोडीन मानीटर की विशिष्ट अपेक्षाएं	---	---	--शून्य--
59. आई एस: 12762 (भाग 1)-1989 प्रकाशबोलीय युक्तियों की विशिष्ट भाग 1 प्रकाश बोलीय धारा-बोलीय लक्षणों का मापन	---	---	--बही--
60. आई एस: 12763-1989 क्रिस्टलीय सिलिकान प्रकाश बोलीय युक्तियों के मापित आई-बी लक्षणों के ताप और विकिरणों के संशोधन की प्रक्रिया	---	---	--बही--
61. आई एस: 12764-1989 बरप हैंडपीस-होज-कनेक्टर	---	---	--बही--
62. आई एस: 12765-1989 छपाई का कागज, लक्ष्य-विशिष्ट	---	---	--बही--
63. आई एस: 12770-1989 सीमेंट उत्पादन के लिए कोयला-विशिष्ट	---	---	--बही--
64. आई एस: 12773-1989 तप्त बेस्लित इस्पात समान्तर फर्ज, धारण और कालम संवहन-आयाम	---	---	--बही--
65. आई एस: 12779-1989 तप्त बेस्लित इस्पात समान्तर फर्ज, धारण और कालम संवहन-आयाम के लिए बेस्लन और कटिंग की छूटें-विशिष्ट	---	---	--बही--

(1)	(2)	(3)	(4)
66. आई एस: 12780—1989 वाणिज्यिक स्टेशन फार्म/घाते—विशिष्ट (किताब)	—	—	—वही—
67. आई एस: 12781—1989 समुद्र की सतह की तापमान के लिए समुद्र में काम करने वाला बोल—विशिष्ट	—	—	—वही—
68. आई एस: 12782—1989 औद्योगिक बटनों के मानीटरिंग हेतु थर्मोप्राफ का प्रयोग करने के विषय निर्देश	—	—	—शून्य—
69. आई एस: 12784 (भाग 1)—1989 एसी बिजली की मास को बी सी बिजली में बदलने के लिए विद्युत मापन ट्रांसड्यूसर भाग 1 सामान्य प्रयोजन के लिए ट्रांसड्यूसर	—	—	—
70. आई एस: 12787—1989 पालीथीन की वायु बुलबुला फिल्म—विशिष्ट	—	—	—वही—
71. आई एस: 12794—1989 जलयान निर्माण—घाव ट्रैप ज्वन के विषय निर्देश	—	—	—वही—
72. आई एस: 12796—1989 फायर रैंक—विशिष्ट	—	—	—वही—
73. आई एस: 12801—1989 पैरीटो घाटे और कारण तथा प्रभाव घाटे	—	—	—वही—

इन मानकों की प्रतियाँ भारतीय मानक ब्यूरो, मानक सदन, 9 बहादुरशाह जफर मार्ग, नई दिल्ली-110002 और क्षेत्रीय कार्यालयों बम्बई, कलकत्ता, कच्छीगढ़ और मद्रास तथा शाखा कार्यालयों मद्रासबाव, बंगलौर, ओपाल, भुवनेश्वर, गुवाहाटी, हैदराबाद, जयपुर, कानपुर, पटना, त्रिवेन्द्रम, फरीदाबाद और राजियाबाद में विक्री के लिए उपलब्ध हैं।

[सं. के. प्र. वि. /13:2]

S.O. 2347 :—In pursuance of clause (b) of Sub-rule (1) of Rule 7 of Bureau of Indian Standards Rules, 1987, the Bureau of Indian Standards hereby notifies that the Indian Standard(s) Particulars of which are given in the Schedule here to annexed, have been established on 31st March 1990.

THE SCHEDULE

Sl. No.	No. Year and Title of the Indian Standard(s) Established	No. and year of the Indian Standard or Standards, if any, superseded by the new Indian Standard	Remarks, if any
(1)	(2)	(3)	(4)
1.	IS : 57—1989 Red lead for paints and other purposes—Specification (Second Revision)	IS:57—1965	..
2.	IS : 397 (Part 4)—1987 Method for statistical quality control during production Part 4 Master control systems.	..	..
3.	IS : 954—1989 Carbon dioxide tender for fire brigade use—functional requirements (Second Revision)	IS : 954—1974	..
4.	IS : 1030—1989 Carbon steel castings for general engineering purposes—Specification (Fourth Revision)	IS : 1030—1982	..

(1)	(2)	(3)	(4)
5.	IS : 1419—1989 Antifouling paint, brushing, IS : 1419—1981 for ship's bottom and hulls—Specification (Second Revision)		
6.	IS : 1420—1989 Light basic magnesium carbonate—Specification (Second Revision)	IS : 1420—1972	..
7.	IS : 1561—1989 Set squares for use of drawing offices—Specification (First Revision)	IS : 1561—1962	..
8.	IS : 1642—1989 Fire safety of buildings (General): Details of construction—Code of practice (First Revision)	IS : 1642—1960	..
9.	IS : 2602—1989 Cadmium anodes for electroplating—Specification (First Revision)	IS : 2602—1964	..
10.	IS : 2615—1989 Pliers, pincers and nippers—Technical supply conditions (Second Revision)	IS : 2615—1981	..
11.	IS : 3206—1989 Engineers' drawing instruments—Dividers—Specification (First Revision)	IS : 3206—1965	..
12.	IS : 3207—1989 Engineers' drawing instruments—Rotating compasses—Specification (First Revision)	IS : 3207—196	..
13.	IS : 3210—1989 Engineers' Drawing instruments—Drawing pens—Specification (First Revision)	IS : 3210—1965	..
14.	IS : 3242—1989 Oxynaphthoic acid (Bon Acid)—Specification (First Revision)	IS : 3242—1965	..
15.	IS : 3752—1988 Alcoholic Drinks—Methods of test (First Revision)	IS : 3752—1967	..
6.	IS : 3823—1988 Rolling Bearings Static load ratings (Second Revision)	IS : 3823—1984	..
17.	IS : 4205—1989 Drafting stools—Specification (Second Revision)	IS : 4205—1975	
18.	IS : 5289—1989 Shipbuilding—Magnetic compasses and binnacles—Glossary of terms (First Revision)	IS : 5289—1969	..

1	2	3	4
19.	IS : 5692—1988 Tolerances for radial rolling bearings (First Revision)	IS : 5692—1976	..
20.	IS : 5960 (Part 15) -1989 meat and meat products—Methods of test Part 15 Determination of L(—)Hydroxyproline content.	..	..
21.	IS : 6008—1989 ARC Welding power source, single operator rectifier type ac and dc—Specification (First Revision)	IS : 6008—1971	..
22.	IS : 6338—1989 Clamping screws (fixtures)—Specification (First Revision)	IS : 6338—1971	..
23.	IS : 7070—1988 Wooden shelving racks, adjustable and non-adjustable type—Specification (First Revision)	IS : 7070—1973	..
24.	IS : 7173—1989 Slotted pan head tapping screws (First Revision)	IS : 7173—1974	..
25.	IS : 7426—1989 Cotton Webbing, Special—Specification (First Revision)	IS : 7426—1974	..
26.	IS : 8436—1989 Thermal cycling test for evaluation of electroplated plastics—Method (First Revision)	IS : 8436—1977	..
27.	IS : 8650 (Part 1 to 5)—1989 Shipbuilding- Deck Machinery—Glossary of terms and Graphical Symbols (First Revision)	IS : 8650—1978	..
28.	IS : 9049—1989 Agricultural produce milling machinery—Paddy dehúsker, rubber roll type—Test Code (First Revision)	IS : 9049—1979	..
29.	IS : 11654 (Part 3/Sec 405)—1989 Specification for Flexible insulating sleeving Part 3 Specifications for individual types of sleeveings Section 405 Glass Textile Sleeving with Acrylic Based Coating—Lower Breakdown Strength	..	..
30.	IS : 12205—1988 Specification for—Bicycle Hub Assembly—PH type	..	..
31.	IS : 12418 (Part 3)—1987 Specification for intra-uterine contraceptive devices Part 3 Packaging and Labelling	..	..

(1)	(2)	(3)	(4)
32.	IS : 12429 (Part 2)—1988 Time and control code for video tape recorder Part 2 Vertical-interval time code (VITC)	..	..
33.	IS : 12505 (Part 1)—1988 Tracheostomy tubes Part 1 Connectors	..	..
34.	IS : 12649—1989 Treated/coated fabrics for various applications—guide for selection	..	..
35.	IS : 12663 (Part 1)—1989 Bulk handling equipment—reclaimer-data sheet for selection Part 1 Scraper Reclaimer (Rail Mounted)	..	..
36.	IS : 12665 (Part 1)—1989 Press working tools, Shanks Part 1 General Dimensions and Survey	..	..
37.	IS : 12668—1989 Melting characteristics of sponge irons direct reduced iron (DRI)	..	..
38.	IS : 12672—1989 Internal fuses and internal overpressure disconnectors for shunt capacitors—Specification	..	..
39.	IS : 12687—1989 Small tools-subland twist drills with morse taper shanks for holes prior to tapping screw threads—Specification	..	..
40.	IS : 12692—1989 Small tools-subland twist drills with parallel shanks for clearance holes and countersinks for counter-sunk head screws—Specification	..	..
41.	IS : 12695—1989 Automotive vehicles—three wheeled vehicles—Determination of centre of gravity	..	..
42.	IS : 12708—1988 measurement of the immunity of sound and television broadcast receivers and associated equipment from radio-sources operating in the frequency range 1.5 to 30 MHz by the current injection method	..	..
42A	IS : 12714—1989 Bimetallic Tape for — Electrical contacts—Specification	..	..
43.	IS : 12716 (Part 2)—1989 End mills with indexable inserts Part 2 with morse Taper Shanks	..	..
44.	IS : 12727—1989 No-fines cast in SITU cement concrete—Code of practice	..	..
45.	IS : 12741—1989 Bakery Products— Methods of sampling	..	..

(1)	(2)	(3)	(4)
46.	IS : 12745 (Part 1)—1988 Horological vocabulary Part 1 Technical and Scientific Definitions	..	..
47.	IS : 12747 (Part 2)—1989 Combined flexible materials for electrical insulation Part 2 Methods of test	..	..
48.	IS : 12751—1989 Pesticides—Pendimethalin EC—Specification	..	..
49.	IS : 12754 (Part 1)—1989 Process measurement control, functions and instrumentation symbolic representation Part 1 Basic requirements	..	..
50.	IS : 12754 (Part 3)—1989 Process—measurement control functions and instrumentation—Symbolic representation Part 3 detailed symbols for instrument interconnection diagrams	..	..
51.	IS : 12756—1989 Cheese and Cheese products—determination of total phosphorus content molecular absorption spectrometric method	..	..
52.	IS : 12757—1989 Cheese and Processed Cheese products—determination of citric acid content (Reference method)	..	..
53.	IS : 12758—1989 Cheese and processed Cheese products—determination of fat content—gravimetric method (Reference method)	..	..
54.	IS : 12759—1989 Dried Milk and dried milk products—Determination of insolubility index	..	..
55.	IS : 12760—1989 Dried milk—Determination of sodium and potassium contents—flame emission spectrometric Method	..	..
56.	IS : 12761 (Part 2)—1989 Equipment for continuously Monitoring Radioactivity in gaseous effluents Part 2 Specific requirements for aerosol effluent Monitors	..	..
57.	IS : 12761 (Part 3)—1989 Equipment for continuously monitoring radioactivity in gaseous effluents Part 3 Specific requirements for noble gas effluent Monitors	..	..

(1)	(2)	(3)	(4)
58.	IS : 12761 (Part 4)—1989 Equipment for continuously monitoring radioactivity in gaseous effluents Part 4 Specific requirements for iodine monitors	..	..
59.	IS : 12762 (Part 1)—1989 Specification for photovoltaic devices Part 1 Measurement of photovoltaic current-voltage characteristics	..	..
60.	IS : 12763—1989 Procedures for temperature and irradiance corrections to measured I-V characteristics of Crystalline silicon Photovoltaic Devices	..	..
61.	IS : 12764—1989 Dental Handpieces—Hose Connectors	..	..
62.	IS : 12765—1989 Printing Paper, Map—Specification	..	..
63.	IS : 12770—1989 Coal for Cement manufacture—Specification	..	..
64.	IS : 12778—1989 Hot rolled steel parallel flange beam and column sections—Dimensions	..	..
65.	IS : 12779—1989 Rolling and cutting tolerances for hot rolled parallel flange beam and column sections—Specification	..	..
66.	IS : 12780—1989 Commercial stationery forms/books—Specification	..	..
67.	IS : 12781—1989 Marine Bucket for Sea Surface Temperature Measurement—Specification	..	..
68.	IS : 12782—1989 Guidelines for using thermography for monitoring of industrial components	..	..
69.	IS : 12784 (Part 1)—1989 Electrical measuring transducers for covering ac electrical quantities into dc Electrical quantities—Specification Part 1 General purpose transducers	..	..
70.	IS : 12787—1989 Polyethylene Air Bubble Film—Specification	..	..
71.	IS : 12794—1989 Shipbuilding—Steam traps—Guidelines for Selection	..	..
72.	IS : 12796—1989 Fire Rake—Specification		

(1)	(2)	(3)	(4)
73.	IS : 12801—1989 Pareto Diagram and cause and effect Diagram	..	..

Copies of these Indian Standards are available for sale with the Bureau of Indian Standards, Manak Bhavan, 9 Bahadur Shah Zafar Marg, New Delhi-110002 and Regional Offices: Bombay, Calcutta, Chandigarh and Madras and also Branch Offices, Ahmedabad, Bangalore, Bhopal, Bhubaneswar, Gowahati, Hyderabad, Jaipur, Kanpur, Patna, Trivandrum, Faridabad and Ghaziabad.

[No. CMD/13 : 2]

का. प्रा. 2348.—भारतीय मानक ब्यूरो (प्रमाणन सूत्र) विनियम 1955 के नियम 3 के उपनियम (2) और विनियम 3 के उपविनियम (2) और (3) के अनुसरण में भारतीय मानक ब्यूरो एतद्वारा अधिसूचित करता है कि जिन भारतीय मानकों के विवरण नीचे अनुसूची में दिए गए हैं वे दिनांक 28 फरवरी 1990 से स्थापित किए गए हैं।

अनुसूची

क्रम संख्या	स्थापित भारतीय मानक की संख्या और शीर्षक	नए भारतीय मानक द्वारा प्रति- क्रमित भारतीय मानक अथवा मानकों, यदि कोई हो, की संख्या और शीर्षक	टिप्पणी, यदि कोई हो
(1)	(2)	(3)	(4)
1.	आई एस: 354 (भाग 6)—1989 रोगन के लिए रेजिन-नमूने लेने और परीक्षण की विधियाँ भाग 6 अमीनों रेजिन की विशेष परीक्षण विधियाँ (दूसरा पुनरीक्षण)	आई एस: 354 (भाग 2)—1976	—
2.	आई एस: 616—1986 घरेलू और ऐसे ही सामान्य प्रयोग के लिए मेन प्रचलित इलेक्ट्रॉनिक और सम्बद्ध उपकरण की सुरक्षा अपेक्षाएं (दूसरा पुनरीक्षण)	आई एस: 616—1981	—
3.	आई एस: 1039—1989 बस्त्रादि—तांबा, लोह, मैंगनीज, क्रोमियम और जिंक की लघु मात्राओं का आकलन (पहला पुनरीक्षण)	आई एस: 1039—1956	—
4.	आई एस: 1294—1989 घरेलू मिनाई मशीन-बोर्डिंग-विशिष्ट (तीसरा पुनरीक्षण)	आई एस: 1294—1974	—
5.	आई एस: 1958—1989 विद्युत लेपन हेतु निक्कल एनोड—विशिष्ट (दूसरा पुनरीक्षण)	आई एस: 1958—1967	—
6.	आई एस: 2453—1989 केवल पड़ी सूती बुनी रस्सी—विशिष्ट (दूसरा पुनरीक्षण)	आई एस: 2453—1978	—
7.	आई एस: 2693—1989 पावर प्रेषण के लिए बुन टाइप नम्य कार्बिड (दूसरा पुनरीक्षण)	आई एस: 2693—1980	—
8.	आई एस: 3660 (भाग 12)—1989 प्राकृतिक रबर की परीक्षण विधियाँ, भाग 12 प्लास्टिक मिटी रिटेन्शन इंडेक्स (पी आर आई) (एन आर: 13) (पहला पुनरीक्षण)	आई एस: 3660 (भाग 3)—1971	—
9.	आई एस: 3670—1989 लकड़ी के फर्श बिछाना—रीति पद्धति (पहला पुनरीक्षण)	आई एस: 3670—1966	—
10.	आई एस: 3803 (भाग 1)—1989 इस्पात बीबीकरण मानों का परिवर्तन भाग 1 कार्बन एवं अल्प मिश्रधातु इस्पात (दूसरा पुनरीक्षण)	आई एस: 3803—1974	—
11.	आई एस: 5957—1989 थ्रू ड्रॉफ्टिंग टेबिल स्कू के लिए पेंच बुद्धियाँ आगम (पहला पुनरीक्षण)	आई एस: 5957—1970	—
12.	आई एस: 5960 (भाग 14)—1988 मांस एवं मांस उत्पाद की परीक्षण विधियाँ, भाग 14 स्टाफ ग्रॉस का निर्धारण	—	—

(1)	(2)	(3)	(4)
13. आई एस: 6180--1989 जलपोत की गोल खिड़कियों के लिए आदर्श निरापद कांच विशिष्टि (पहला पुनरीक्षण)	आई एन: 6180--1971	--	
14. आई एस: 6777--1989 बज और हृदय बाहिका की शल्य क्रिया के यंत्र चिमोटियां, बिच्छेदन, फेंकड़े विशिष्टि (पहला पुनरीक्षण)	आई एस: 6777--1972	--	
15. आई एस: 7170--1989 खांचदार काउन्टमाक (प्लैट) हैड टैपिंग स्कू (सामान्य हैड स्टाइल) (पहला पुनरीक्षण)	आई एस: 7170--1974	--	
16. आई एस: 7200 (भाग 8)--1989 सांख्यिकीय आंकड़ों का प्रस्तुतीकरण भाग 1 सारणीकरण और संक्षेपीकरण (दूसरा पुनरीक्षण)	आई एन: 7200 (भाग 1)--1981	--	
17. आई एस: 7284--1989 नौटी सूची निवाड़--विशिष्टि (पहला पुनरीक्षण)	आई एन: 7284--1973	--	
18. आई एस: 8069--1989 कृषि कीटनाशकों के पैकिंग के लिए उच्च घनत्व पालीथीन (एच डी पी ई) के बूने बोरे (दूसरा पुनरीक्षण)	आई एस: 8069 (भाग 1 और 2) 1981	--	
19. आई एस: 9422--1989 जलपोत का बन्नाकार और पाण्डे थस्टर--प्रमीक (पहला पुनरीक्षण)	आई एस: 9422--1980	--	
20. आई एस: 9819 (भाग 5)--1989 टी वी पिक्चर ट्यूब के साथ प्रयुक्त लॉन्ग काउन्टपुट ट्रांसफार्मर (ए एच टी) की विशिष्टि	--	--	
21. आई एस: 10015 (भाग 2)--1989 कपड़ों के साइज परनाम, भाग 2 पुरुषों और लड़कों के बाहरी परिधान (पहला पुनरीक्षण)	आई एस: 10015 (भाग 1)--1981	--	
22. आई एस: 11348--1989 लीह अयस्क पेलेट निकटतम विशिष्टि गुणत्व, वास्तविक विशिष्टि, गुणत्व और निकटतम संरचना-निर्धारण विधि (पहला पुनरीक्षण)	आई एस: 11348--1985	--	
23. आई एस: 11885--1987 बहु धैतल आयाम विश्लेषक की विशिष्टि	--	--	
24. आई एस: 11962--1987 रेनेट केसीन और केसीनेटों में भस्म निर्धारण की विधि (संदर्भ विधि)	--	--	
25. आई एस: 12193--1989 (भाग 1)--1980 विभिन्न श्रेणी के उत्पन्न हेतु रेडियों स्मिथर पर मापन विधि, भाग 1 श्रव्य आवृत्ति मापन सहित सामान्य बातें और मापन विधि	--	--	
26. आई एस: 12465--1988 प्रकाश अवस्था और इलेक्ट्रॉनिक उपयोग के लिए मासिङ्कन के तार की विशिष्टि	--	--	
27. आई एस: 12516 (भाग 4)--1988 सैदा से बने गुंथे सैदे के भौतिक गुणों के निर्धारण की विधि, भाग 4 एलावीशफ का प्रयोग करके अनुरोध सक्ते का गुण	--	--	
28. आई एस: 12641--1989 अर्द्ध बालक युक्तियों और एकीकृत परिपथ के लिए पर्यावरणीय परीक्षण प्रक्रिया	--	--	
29. आई एस: 12646--1989 बस्त्रादि-कृत्रिम रेशे और उनके मिश्रण के रंग पक्कापन की अपेक्षाएं--विशिष्टि	--	--	
30. आई एस: 12705--1989 धातु गुणता अवस्था विश्लेषकों की कार्यकारिता को व्यक्त करता	--	--	
31. आई एन: 12713--1989 प्रकाशिक यंत्र--अनुमत सजावटी बोख और तकगिरक बटक का निरीक्षण	--	--	
32. आई एन: 12716--(भाग 1)--1989 इंडेक्सेबल इस्ट सहित ऐंडमिल, भाग 1 जपटी समान्तर गैक सहित	--	--	
33. आई एस: 12723--1988 वायु चालित द्रव पावर एकछड़ मिलिटर-1000 किपास्क (10 बार) श्रेणी 8 मिमी से 25 मिमी तक बोर वाला-माउन्टिंग आयाम	--	--	

(1)	(2)	(3)	(4)
34. आई एस: 12733—1989 पालीएमाइड की बुनरो गंधी हुई रस्सी—विशिष्ट	--	--	--
35. आई एस: 12734—1989 पाली प्रापिलीन दिवत—विशिष्ट	--	--	--
36. आई एस: 12736—1989 प्रकाशित लक्षण पहचान की विशिष्ट	--	--	--
37. आई एस: 12737—1989 आई चालक उर्जा स्पेक्ट्रोमीटर की मानक परीक्षण प्रक्रिया	--	--	--
38. आई एस: 12739—1989 प्रातिशबाजी—शंकवाकार धनार विशिष्ट	--	--	--
39. आई एस: 12742—1989 पेय प्रयोजनों के लिए जल को फ्लोराइड रहित करने की प्रक्रिया (रसायन उपचार विधि)	--	--	--
40. आई एस: 12749—1989 सिनेमेटोग्राफी, 65 और 70 मिमी. गैर डकतपोज्ड चलचित्र फिल्म-कटिंग डब्लू ऐड के आयाम	--	--	--
41. आई एस: 12752—1989 प्रवाह मापन संरचना—जयन के विशा निर्देश	--	--	--
42. आई एस: 12753—1989 इस्पात के गोल तारों पर विद्युत अस्तीकृत लेप—विशिष्ट	--	--	--
43. आई एस: 12754 (भाग 4)—1989 औद्योगिक प्रक्रम मापन नियंत्रण, प्रकार्य और माप संवर्ण प्रतीकात्मक प्रदर्शन, भाग 4 प्रक्रम कंप्यूटर अंतरफलक और शेअर्ड डिसप्ले के लिए आधारभूत प्रतीक-नियंत्रण प्र कार्य	--	--	--
44. आई एस: 12766—1989 कंप्यूटर के लिए कागज—विशिष्ट	--	--	--
45. आई एस: 12768—1989 कृषिकोट नाशी—थायोबैजकार्ब, तकनीकी ग्रेड—विशिष्ट	--	--	--
46. आई एस: 12769—1989 कृषि कोट नाशी—थायोबैजकार्ब, तकनीकी ग्रेड—विशिष्ट	--	--	--
47. आई एस: 12785—1989 सिंचाई उपस्कर जाली टाइप फिल्टर, विशिष्ट	--	--	--
48. आई एस: 12786—1989 सिंचाई उपस्कर सिंचाई सेक्टरल के लिए पालीथीन पाइप—विशिष्ट	--	--	--
49. आई एस: 12791—1989 बैयरिंग के उत्पादन के लिए उच्च कार्यन क्रोमियम वाले इस्पात के पाइप	--	--	--
50. आई एस: 12795 (भाग 1)—1989 विद्युत रोधन के लिए संयुक्त नम्य सामग्री, भाग 1 परिभाषाएं और सामान्य अपेक्षाएं	--	--	--
51. आई एस: 12799—1989 फाउन्ट्री-डलाइयों को बद्ध करना—अनुशंसित रीति	--	--	--

इन भारतीय मानकों की प्रतियाँ, भारतीय मानक ब्यूरो, मानक भवन, 9 बहादुरशाह जफर मार्ग, नई दिल्ली एवं इसके क्षेत्रीय कार्यलय: बम्बई, कलकत्ता, चंडीगढ़ और मद्रास तथा शाखा कार्यलयों: अहमदाबाद, बंगलोर, भोपाल, भुवनेश्वर, गुवाहाटी, हैदराबाद, जयपुर, कानपुर, पटना, त्रिवेन्द्रम फरीदाबाद और गाजियाबाद में बिक्री के लिए उपलब्ध हैं।

[सं. के. प्र. वि./13: 2]

S.O. 2348.—In pursuance of clause (b) of sub-rule (1) of Rule 7 of Bureau of Indian Standards Rules 1987, the Bureau of Indian Standards hereby notifies that the Indian Standard(s), Particulars of which are given in the Schedule hereto annexed, have been established on 28 February, 1990.

SCHEDULE

Sl. No.	No, Year and Title of the Indian Standard(s) Established	No. and year of the Indian Standard or Standards, if any, superseded by the new Indian Standard	Remarks, if any
(1)	(2)	(3)	(4)
1.	IS : 354 (Part 6)—1989 Resins for paints—Methods of sampling and test Part 6 Special test methods for amino resins (Second Revision).	IS : 354 (Part 2)—1976	--

1	2	3	4
2.	IS : 616—1986 Safety requirements for mains operated electronic and related apparatus for household and similar general use. (Second Revision).	IS : 616—1981	—
3.	IS : 1039—1989 Textiles—Estimation of small quantities of copper, iron manganese, chromium and Zinc (First Revision)	IS : 1039—1956	—
4.	IS : 1294—1989 Household sewing machines Bobbins—Specification (Third Revision).	IS : 1294—1974	—
5.	IS : 1958—1989 Nickel anodes for electroplating—Specification (Second Revision).	IS : 1958—1967	—
6.	IS : 2453—1989 Cable-laid cotton rope—Specification (Second Revision).	IS : 2453—1978	—
7.	IS : 2693—1989 Power transmission Bush type flexible coupling (Second Revision).	IS : 2693—1980	—
8.	IS : 3660 (Part 12)—1989 Methods of test for natural rubber Part 12 Determination of Plasticity retention index (PR I) (NR : 13) (First Revision).	IS : 3660 (Part 3)—1971	—
9.	IS : 3670—1989 Construction of timber floors—Code of practice (First Revision).	IS : 3670—1966	—
10.	IS : 3803 (Part I)—1989 Steel—conversion of elongation values Part I Carbon and low alloy steels (Second Revision).	IS : 3803—1974	—
11.	IS : 1957—1989 Screw threads for thread forming tapping screws—Dimensions (First Revision).	IS : 5957—1970	—
12.	IS : 5960 (Part 14)—1988 Methods of test for Meats and Meat Products Part 14 Determination of starch content.	—	—
13.	IS : 6180—1989 Toughened safety glasses for ships' round windows—Specification (First Revision).	IS : 6180—1971	—
14.	IS : 6777—1989 Thoracic and cardiovascular surgery instruments—Forceps, Dissecting, Lung—Specification (First Revision).	IS : 6777—1972	—

1	2	3	4
15.	IS : 7170—1989 Slotted countersunk (Flat) head tapping screws (Common Head Style), (First Revision).	IS : 7170—1974	—
16.	IS : 7200 (Part 1)—1989 Presentation of statistical data Part 1, Tabulation and Summarization (Second Revision).	IS : 7200 (Part 1)—1981	—
17.	IS : 7284—1989 Coarse cotton webbing—Specification (First Revision).	IS : 7284—1973	—
18.	IS : 8069—1989 High density Polyethylene (HDPE) woven sacks for packing pesticides—Specification (Second Revision).	IS : 8069 (Part 1 and 2)—1981	—
19.	IS : 9422—1989 Ships' bulbous bow and side thruster—Symbols (First Revision).	IS : 9422—1980	—
20.	IS : 9819 (Part 5)—1989 Specification for line output transformers (EHT) used with TV Picture tubes Part 5 lot for colour picture tubes.	—	—
21.	IS : 10015 (Part 2)—1989 Size designation of clothes Part 2 Men's and Boy's outerwear garments (First Revision).	IS : 10015 (Part 2)—1981	—
22.	IS : 11348—1989 Iron ore pellets apparent specific gravity, true specific gravity and apparent porosity—Methods for determination (First Revision).	IS : 11348—1985	—
23.	IS : 11885—1987 Specification for multichannel amplitude analyzers	—	—
24.	IS : 11962—1987 Method for determination of ash in rennet casins and caseinates (Reference method).	—	—
25.	IS : 12193—1989 (Part 1)—1989 Methods of measurement on radio receivers for various classes of emission Part 1 General considerations and methods of measurement including audio-Frequency Measurements.	—	—
26.	IS : 12465—1988 Specification for molybdenum wires for lighting and electronic application	—	—

(1)	(2)	(3)	(4)
27.	IS : 12516 (Part 4)—1988 Method for determination of physical characteristics of doughs made from wheat flour Part 4 Rheological properties using an alveograph.	—	—
28.	IS : 12641 —1989 Environmental testing procedures for semiconductor devices and integrated circuits	—	—
29.	IS : 12646—1989 Textiles—Man-made fibres and their blends-colour fastness requirements—Specification.	—	—
30.	IS : 12705—1989 Expression of performance of air quality infra-red analyzers.	—	—
31.	IS : 12713—1989 Optical instruments-permissible cosmetic defects and inspection of optical components	—	—
32.	IS : 12716 (Part 1)—1989 End mills with indexable inserts Part 1 with flatted parallel shanks.	—	—
33.	IS : 12723—1988 Pneumatic fluid power—single Rod cylinders—1000 kPs (10 bar) series-bores from 8 mm to 25 mm—Mounting Dimensions.	—	—
34.	IS : 12733—1989 Polyamide double braided rope—Specification.	—	—
35.	IS : 12734—1989 Polypropylene—twine—Specification.	—	—
36.	IS : 12736—1989 Printing specifications for optical character recognition.	—	—
37.	IS : : 12737—1988 Standard test procedures for semiconductor X-Ray energy spectrometers	—	—
38.	IS : 12739—1989 Fireworks conical flowerpots—Specification.	—	—
39.	IS : 12742—1989 Guide for defluoridation of water for drinking purposes (Chemical treatment method).	—	—
40.	IS : 12749—1989 Cinematography 65 and 70 mm Unexposed Motion-Picture Film-Cutting and perforating dimensions.	—	—
41.	IS : 12752 —1989 Flow gauging structures—guidelines for selection.	—	—
42.	IS : 12753—1989 Electrogalvanized coatings on round steel wire —Specification	—	—

(1)	(2)	(3)	4)
43. IS : 12754 (Part 4)—1989 Industrial process measurement control functions and instrumentation—Symbolic representation Part 4 Basic symbols for process computer, interface, and shared display—control functions.	—	—	—
44. IS : 12766—1989 Paper, Computer—Specification.	—	—	—
45. IS : 12768—1989 Pesticides—Thiobencarb, Technical—Specification.	—	—	—
46. IS : 12769—1989 Pesticides—Thiobencarb EC—Specification.	—	—	—
47. IS : 12785—1989 Irrigation equipment—strainer-type filters—Specification.	—	—	—
48. IS : 12786—1989 Irrigation equipment—Polyethylene pipes for irrigation laterals—Specification.	—	—	—
49. IS : 12791—1989 High Carbon-chromium bearing steel tubes for the manufacture of bearing faces—Specification.	—	—	—
50. IS : 12795 (Part 1)—1989 Combined flexible materials for electrical insulation Part 1 Definitions and General Requirements.	—	—	—
51. IS : 12799—1989 Foundry—Impregnation of Castings—Recommended Practice.	—	—	—

Copies of these Indian Standards are available for sale with the Bureau of Indian Standards, Manak Bhavan, 9 Bahadur Shah Zafar Marg, New Delhi-110002 and Regional Offices : Bombay, Calcutta, Chandigarh and Madras and also Branch Offices : Ahmedabad, Bangalore, Bhopal, Bhubaneswar, Guwahati, Hyderabad, Jaipur, Kanpur, Patna, Trivandrum, Faridabad and Ghaziabad.

[No. CMD/13 : 2]

का.श. 2249—भारतीय मानक ब्यूरो (प्रमाणन मंत्र) विनियम 1955 के नियम 3 के उपनियम (2) और विनियम 3 के उपविनियम (2) और (3) के अनुसूचि में भारतीय मानक ब्यूरो एनडू द्वारा अधिगृहित करता है कि जिन भारतीय मानकों के विवरण नीचे अनुसूची में दिए गए हैं वे उनके आगे की गई तिथि से स्थापित किए गए हैं।

अनुसूची

क्रम संख्या	स्थापित भारतीय मानक की संख्या और शीर्षक	नए भारतीय मानक द्वारा प्रति क्रमित भारतीय मानक अथवा मानकों, यदि कोई हों, की संख्या और शीर्षक	स्थापित होने की तिथि
(1)	(2)	(3)	(4)
1.	आई एस : 200-1989 वस्त्रादि सूती वस्त्रादि सामग्री के सिलाई का निर्धारण (दूसरा पुनरीक्षण)	आई एस : 200-1969	30 नवम्बर, 1989

(1)	(2)	(3)	(4)
2. आई एस : 392-1989 बस्तादि --बंडसमन टाइप के उपकरण का प्रयोग कर के जल ध्रुव-शोधन और कपड़े में अन्तर्वेशन का निर्धारण (तीसरा पुनरीक्षण)	आई एस : 392-1975	30 नवम्बर, 1989	
3. आई एस : 732-1989 विजली की तारबन्धी के संस्थापन की रीतिसंहिता (तीसरा पुनरीक्षण)	आई एस : 732 (भाग 1, 2, 3)-1982 और 1983	,	
4. आई एस 60 (भाग 9)-1989 प्राकृतिक रबड़ की परीक्षण विधि (भाग 9) विनायक निष्कर्ष का निर्धारण एन आर : 10 (पहला पुनरीक्षण)	---	,	
5. आई एस : 3660 (भाग II)-1989 प्राकृतिक रबड़ की परीक्षण विधि, भाग II प्लास्टिकता का निर्धारण एन आर : 12 (पहला पुनरीक्षण)	---	,	
6. आई एस : 4790-1989 नेत्र शल्य चिकित्सा के यंत्र-चाकू, कानिया अलग करने के लिए, लाना और टो पैटर्न-(स्पान्तरिस) विशिष्ट (दूसरा पुनरीक्षण)	आई एस : 4790-1979	,	
7. आई एस : 4898-1989 केस का यूराइजिंग के लिए हस्ता की छलाहियां-विशिष्ट (दूसरा पुनरीक्षण)	आई एस : 4898-1982	,	
8. आई एस : 4910 (भाग 1)-1989 टायर के तंतु, धागे, और टायर के धागे लपेटने की मानक निर्मित बल्बर की परीक्षण विधि भाग 1 पदों की परिभाषा (पहला पुनरीक्षण)	आई एस : 4910 (भाग 1)-1968	,	
9. आई एस : 4910 (भाग 7)-1989 टायर के तंतु, धागे, और टायर के धागे लपेटने की मानक निर्मित बल्बर की परीक्षण विधि भाग 7 शीर्ष डिप्रेडेण (पहला पुनरीक्षण)	आई एस : 4910 (भाग 7)-1971	,	
10. आई एस : 7001-1989 हस्ता के भागों पर चोट मारने का हथौड़ा-विशिष्ट (पहला पुनरीक्षण)	आई एस : 7001-1973	,	
11. आई एस : 7187-1989 आइसक्रीम के शंकु-विशिष्ट (पहला पुनरीक्षण)	आई एस : 7187-1974	,	
12. आई एस : 7349-1989 बैरेज और बैरिम्बर-प्रवालन और रबड़-रक्षा-दिना-निर्देश (पहला पुनरीक्षण)	आई एस : 7349-1974	,	
13. आई एस : 7492-1989 घरेलू सिलाई मशीन, सिलाई अपेक्षाएं (पहला पुनरीक्षण)	आई एस : 7492-1974	,	
14. आई एस : 7493-1989 घरेलू सिलाई मशीन टिकाऊपन की अपेक्षाएं (पहला पुनरीक्षण)	आई एस : 7493-1974	,	
15. आई एस : 7592-1989 पीनट चिकनी (कैन्डी)-विशिष्ट (पहला पुनरीक्षण)	आई एस : 7592-1975	,	
16. आई एस : 7906 (भाग 8)-1989 हेलीकल संपीडन स्प्रिंग भाग 8 बृत्ताकार सरिसे बनी तंतु संपीडन स्प्रिंग की निरीक्षण विधि	---	,	
17. आई एस : 8120-1989 शेफर्स अम्प (सोडियम लवण)-नकली की ग्रेड-विशिष्ट (पहला पुनरीक्षण)	आई एस : 8120-1976	,	
18. आई एस : 8529-1989 दंत्य उपकरण, पञ्च वैड बनाने वाले दुहरी तोंक के जम्बूर-विशिष्ट (पहला पुनरीक्षण)	आई एस : 8529-1977	,	
19. आई एस : 8949-1989 दंत्य उपकरण बक, हो पैटर्न के जम्बूर-विशिष्ट (पहला पुनरीक्षण)	आई एस : 8949-1978	,	
20. आई एस : 10003-1988 मोटर वाहन उपयोग के लिए संपीडन प्रज्जवलन (शीजल) इंजन की विशिष्ट (पहला पुनरीक्षण)	आई एस : 10003-1981	,	
21. आई एस : 10322 (भाग 5 अनुभाग 3)-1987 बत्ती उपकरण की विशिष्ट भाग 5 विशेष अपेक्षाएं, खंड 3 मंडकों के लिए बत्ती उपकरण	आई एस : 2149-1970	31 मई, 1988	
22. आई एस : 10322 (भाग 5 अनुभाग 5)-1987 बत्ती उपकरण की विशिष्ट भाग 5 विशेष अपेक्षाएं अनुभाग 5 फ्लड लाइट	आई एस : 1947-1980	,	
23. आई एस : 10343-1989 सामान्य उपयोग के लिए कार्वन और अल्प मिश्रधातु हस्तात निवेश छलाहियां-विशिष्ट (पहला पुनरीक्षण)	आई एस : 10343-1982	30 नवम्बर, 1989	
24. आई एस : 10520-1989 कृषि उत्पाद मिलिंग मशीनरी-बर् ग्राटा चक्की के लिए एमरी के एम्बर (पहला पुनरीक्षण)	आई एस : 10520-1983	,	

(1)	(2)	(3)	(4)
25. आई एम : 1199-1987 गीट मेटल के लिए प्लास्टिक बिकृति अनुपात के निर्धारण की विधि	--	आई एम : 10520-1983	30 नवम्बर, 1989
26. आई एम : 12032 (भाग 1)-1987 विद्युत तन्वीक के क्षेत्र में धातुओं के प्राकृतिक प्रतीक, भाग 1 सामान्य सूचना	--		"
27. आई एम : 12448 (भाग 4)-1989 इलेक्ट्रॉनिक उपकरणों के लिए विद्युत यांत्रिक घटकों हेतु आधारभूत परीक्षण प्रक्रिया और मापन विधियाँ भाग 4 गन्ध्यात्मक बिकृति परीक्षण	--		"
28. आई एम : 12448 (भाग 5/अनुभाग 4)-1989 इलेक्ट्रॉनिक उपकरणों के लिए विद्युत यांत्रिक घटकों हेतु आधारभूत परीक्षण प्रक्रिया और मापन विधियाँ भाग 5 संघटक परीक्षण (भुक्त घटक) स्थैतिक भार परीक्षण, स्थिर घटक सञ्चना परीक्षण, और अधिभार परीक्षण, खंड 4 अधिभार परीक्षण	--		"
29. आई एम : 12511 (भाग 2)-1989 बिस्कुट मिश्रण, भाग 2 विशिष्ट	--		"
30. आई एम : 12618-1989 6-कनोरो-2 मिनी पिनोल्-1 मल्लेनिक ग्रन्थ, तकनीकी ग्रेड-विशिष्ट	--		"
31. आई एम : 12621-1989 मिरेनिक उद्योग के लिए बैनोटोइट-विशिष्ट	--		"
32. आई एम : 12624-1989 टैंक सामग्री-फट कैमाल-ग्राइडिंग विन्तु-विशिष्ट	--		"
33. आई एम : 12635-1989 जलकृपण ध्वंस गैर सील बंद बॉय और रोलर डीयरिंग व्यवस्थान सहित रॉक रोलर ग्रनी	--		"
34. आई एम : 12638-1989 जर्मेनियम, किरण द्वारा अभिनिवारक की परीक्षण प्रक्रिया	--		"
35. आई एम : 12639-1988 प्रति शुद्ध जर्मेनियम अभिनिवारक की परीक्षण प्रक्रिया	--		"
36. आई एम : 12644-1989 टाइटेनियम और टाइटेनियम मिश्रधातु, पाइप, जोड़ रजिन और बेल्डित-विशिष्ट	--		"
37. आई एम : 12650-1989 अनाज पैकिंग के लिए पदसत के कट्टे 50 किग्रा-विशिष्ट	--		"
38. आई एम : 12665 (भाग 4)-1989 ग्रेस कार्यकरण और ग्राउन्डिंग भाग 4 गोवा और कावम सहित गैक	--		"
39. आई एम : 12670-1989 पशु चिकित्सा पम्प आभाषण-विशिष्ट	--		"
40. आई एम : 12673-1989 बस्त्रदि कपड़ा अपघर्षण प्रतिरोधी-निर्धारण विधि	--		"
41. आई एम : 12674 (भाग 1)-1989 मृदु (मैटी) और वैबो की सामर्थ्य और स्थिरता की परीक्षण विधि, भाग 1 सामर्थ्य	--		"
42. आई एम : 12674 (भाग 2)-1989 मृदु (मैटी) और वैबो की सामर्थ्य और स्थिरता की परीक्षण विधि भाग 2 स्थिरता	--		"
43. आई एम : 12680-1989 सोफा कम बैड-विशिष्ट	--		"
44. आई एम : 12683 (भाग 2)-1989 कृषि मशीन-विशिष्ट बाह्यतर्फ व्यक्तियों हेतु मापन युक्ति	--		"
45. आई एम : 12684-1989 बिस्फोटकों और आगजबानी उद्योग के लिए कैल्सियम स्टीयरेट-विशिष्ट	--		"
46. आई एम : 12683-1989 कृषि की टमाचो पेनडाइमिथाइन, तकनीकी ग्रेड-विशिष्ट	--		"
47. आई एम : 12693-1989 जलपोष की गोम विच्छेदियों की अवास्थानि-दिशा निर्देश	--		"
48. आई एम : 12698-1989 बालिकों के लिए ओजोन-पे में पर चिन्ताकन के लिए बिजिट मैट-विशिष्ट	--		"
49. आई एम : 12699-1989 जेट अपकेन्द्रीय पम्प संयोजन का बनाव, संस्थापन और रखरखाव-रीति संहिता	--		"
50. आई एम : 12712-1989 जलपोष निर्माण-जलपोष संयोजन के तकनीक निर्धारण के धातु-पारिभाषिक शब्दावली	--		"

इन भारतीय मानकों की प्रतियाँ भारतीय मानक ब्यूरो, मानक भवन, 9 बहादुरसाह जफर मार्ग, नई दिल्ली - 110002 तथा उनके क्षेत्रीय कार्यालय बम्बई, कलकत्ता, चंडीगढ़, मद्रास और शोखा कार्यालयों : अहमदाबाद, बंगलूर, भोपाल, भुवनेश्वर, रायपुर, हैदराबाद, जयपुर, पटना, विवेकानंद, पणजीवाबाद और राजिवाबाद में बिना के लिए उपलब्ध हैं।

S.O 2349.—In pursuance of clause (b) of Sub-rule (1) of Rule 7 of Bureau of Indian Standards Rules, 1987, the Bureau of Indian Standards hereby notifies that the Indian Standard(s), Particulars of which are given in the Schedule hereto annexed, have been established on the date indicated against each :

THE SCHEDULE

Sl. No.	No., Year and Title of the Indian Standard(s) Established	No. and year of the Indian Standard or Standards, if any, superseded by the new Indian Standard	Date of Establishment
(1)	(2)	(3)	(4)
1.	IS : 200—1989 Textiles—Determination of Copper Number of Cotton Textile Materials (Second Revision)	IS : 200—1969	30 Nov 1989
2.	IS : 392—1989 Textiles—Determination of Water Absorption and Penetration of Fabrics Using Bundesmann Type Apparatus (Third Revision)	IS : 392—1975	-do-
3.	IS : 732—1989 Code of Practice for Electrical Wiring Installations (Third Revision)	IS : 732(Part 1, 2, 3)—1982 & 1983	-do-
4.	IS : 3660(Part 9)—1989 Methods of Test for Natural Rubber : Part 9 Determination of Solvent Extract NR : 10 (First Revision)		-do-
5.	IS : 3660 (Part 11)—1989 Method of Test for Natural Rubber : Part 11 Determination of Plasticity NR : 1 (First Revision)		-do-
6.	IS : 4790—1989 Eye Surgery Instruments—Knife, Corneal Splitting, Lang's and Tooke's Pattern (Modified)—Specification (Second Revision)	IS : 4790—1979	-do-
7.	IS : 4898—1989 Steel Castings for case Carburizing—Specification (Second Revision)	IS : 4898—1982	-do-
8.	IS : 4910 (Part 1)—1989 Methods of Test for Tyre Yarns, Cords and Tyre Cord Warpsheets Made from Man-Made Fibres : Part 1 Definition of Terms (First Revision)	IS : 4910 (Part 1)—1968	-do-
9.	IS : 4910 (Part 7)—1989 Methods of Test for Tyre Yarns, Cords and Tyre Cord Warpsheets Made from Man-Made Fibres : Part 7 Head Degradation (First Revision)	IS : 4910 (Part 7)—1971	-do-

(1)	(2)	(3)	(4)
10. IS : 7001—1989 Shot Peening of Steel Parts—Specification (First Revision)	IS : 7001—1973	30 Nov 1989	
11. IS : 7187—1989 Ice Cream Cones—Specification (First Revision)	IS : 7187—1974	-do-	
12. IS : 7349—1989 Barrages and Weirs—Operation and Maintenance—Guidelines (First Revision)	IS : 7349—1974	-do-	
13. IS : 7492—1989 Sewing Machines, Household—Sewing Requirements (First Revision)	IS : 7492—1974	-do-	
14. IS : 7493—1989 Sewing Machines, Household— Durability Requirements (First Revision)	IS : 7493—1974	-do-	
15. IS : 7592—1989 Peanut (Chikki (Candy)—Specification (First Revision)	IS : 7592—1975	-do-	
16. IS : 7906 (Part 8)—1989 Helical Compression Springs Part 8 Method of Inspection of Hot Coiled Compression Springs Made from Circular Section Bars		-So-	
17. IS : 8120—1989 Schaeffer's Acid (Sodium Salt), Technical—Specification (First Revision)	IS : 8120—1976	-do-	
18. IS : 8529—1989 Dental Instruments Pliers, Posterior Band Forming, Double Beak—Specification (First Revision)	IS : 8529—1977	-do,	
19. IS : 8949—1989 Dental Instruments—Pliers, Curved, Howe's Pattern—Specification (First Revision)	IS : 8949—1978	-do-	
20. IS : 10003—1988 Specification for Compression Ignition (Diesel Engines for Automotive Application (First Revision)	IS : 10003—1981	-do-	
21. IS : 10322 (Part 5/Sec 3)—1987 Specification for Luminaires : Part 5 Particular Requirements—Section 3 Luminaires for Road and Street Lighting	IS : 2149—1970	1 May 1988	

(1)	(2)	(3)	(4)
22. IS : 10322 (Part 5/Sec 5)—1987 Specification for Luminaries : Part 5 Particular requirements—Section 5 Flood-Lights	IS : 1949—1980		31 May 1988
23. IS : 10343—1989 Carbon and Low Alloy Steel Investment Castings for General Applications—Specification (First Revision)	IS : 10343—1982		30 Nov. 1989
24. IS : 10520—1989 Agricultural Produce Milling Machinery—Emergy Stones for Burr Flour Mills—Specification (First Revision)	IS : 10520—1983		-do-
25. IS : 11999—1987 Method for Determination of Plastic Strain Ratio r for sheet Metals	--		-do-
26. IS : 12032 (Part 1)—1987 Graphical Symbols for Diagrams in the Field of Electrotechnology : Part 1 General Information	--		-do-
27. IS : 12448 (Part 4)—1989 Basic Testing Procedures and Measuring Methods for Electromechanical Components for Electronic Equipment : Part 4 Dynamic Stress Tests	--		-do-
28. IS : 12448 (Part 5/Sec. 4)—1989 Basic Testing Procedures and Measuring Methods for Electromechanical Components for Electronic Equipment : Part 5 Impact Tests (Free Components), Static Load Tests (Fixed Components), Endurance Tests and Overload Tests : Section 4 Overload Tests			-do-
29. IS : 12511 (Part 2)—1989 Disc Spring : Part 2 Specification			-do-
30. IS : 12618—1989 6-Chloro-2-Minophenol-4-Sulphonic Acid, Technical—Specification	-		-do-
31. IS : 12621—1988 Bentonite for Ceramic Industry—Specification	--		-do-
32. IS : 12624—1989 Dental Materials—Root Canal Obturating Points—Specification	---		-do-
33. IS : 12635—1989 Water Well Drilling—Rock Roller bit with Non-sealed Ball and Roller Bearing Arrangement—Technical Supply Conditions	—		-do-

(1)	(2)	(3)	(4)
34.	IS : 12638—1988 Test Procedures for Germanium Gamma-Ray Detectors	—	30 Nov. 1989
35.	IS : 12639—1988 Test Procedures for High-purity Germanium Detectors for α and Gamma Radiation	—	-do-
36.	IS : 12644—1989 Titanium and Titanium Alloy Pipe, Seamless and Welded—Specification	—	-do-
37.	IS : 12650—1989 Jute Bags for Paching Foodgrains, 50 bg. Specification	—	-do-
38.	IS : 12665 (Part 4)—1989 Press Working Tools—Shanks : Part 4 Shanks with neck and Collar	—	-do-
39.	IS : 12670—1989 Veterinary—Pump Stomach Specification	—	-do-
40.	IS : 12673—1989 Textile Fabrics—Abrasion Resistance— Methods for Determination	—	-do-
41.	IS : 12674 (Part 1)—1989 Methods of Test for Strength and Stability of Settees and Benches : Part 1 Strength	—	-do-
42.	IS : 12674 (Part 2)—1989 Method of Test for Strength and Stability of Settees and Benches : Part 2 Stability	—	-do-
43.	IS : 12680—1989 Wooden sofa-cum-bed—Specification	—	-do-
44.	IS : 12683 (Part 2)—1989 Artificial Limbs—Measuring Devices for visually impaired Persons : Part 2 Tape	—	-do-
45.	IS : 12684—1989 Calcium Stearate for Explosives and Pyrotechnic Industry—Specification	—	-do-
46.	IS : 12685—1989 Pesticides—Pendimethalin, Technical— Specification	—	-do-
47.	IS : 12693—1989 Positioning of Ships' Round windows— Guidelines	—	-do-
48.	IS : 12678—1989 Forestry Tools—Tree Marking digit Set— Specification	—	-do-

(1)	(2)	(3)	(4)
49. IS : 12679—1989			30 Nov. 1989
Selection, installation, operation and Maintenance of Jet Centrifugal pump combination—Code of Practice			
50. IS : 12719—1989			-do-
Shipbuilding —Means of active control of Ships' Manoeuvring—Glossary of Terms			

Copies of these Indian Standards are available for sale with the Bureau of Indian Standards, Manak Bhavan, 7 Bahadur Shah Zafar Marg, New Delhi-110002 and Regional Offices: Bombay, Calcutta, Chandigarh and Madras and also Branch Offices : Ahmedabad, Bangalore, Bhopal, Bhubaneswar, Guwahati, Hyderabad, Jaipur, Kanpur, Patna, Trivandrum, Faridabad and Ghaziabad.

[No. CMD/13:2]

नई दिल्ली, 9 अगस्त, 1990

का.आ. 3356—भारतीय मानक ब्यूरो (प्रमाणन) विनियम, 1988 के विनियम 5 के उपविनियम (6) के अनुसरण में एनड्राग अधिसूचित किया जाता है कि जिन प्रमाणन मुहर लाइसेंसों के विवरण नीचे अनुसूची में दिए गए हैं उनकी अवधि समाप्त हो गई है।

अनुसूची

क्रम लाइसेंस संख्या संख्या (सीएम/एल-)	लाइसेंसधारी	भारतीय मानक संख्या	जिम राजपत्र में लाइसेंस प्रदान करने की अधिसूचना छपी थी उसकी एसओ संख्या और तिथि	टिप्पणी
(1)	(2)	(3)	(4)	(5)
गतावधि लाइसेंस				
1. सीएम/एल-0034825 1961-10-11	मालव वनस्पति एंड केमिकल कं. लि. इंदौर	IS:916-1975	एस.ओ. 2708 दिनांक 1961-11-18	नवीकरण 1980-09-30 के बाद प्रास्थगित कर दिया गया और लाइसेंस अब उस तिथि के बाद गतावधि है।
2. सीएम/एल-0036122 1961-11-27	मोदी वनस्पति मैनु. कं. जिला गाजियाबाद	IS:916-1975	एस.ओ. 2940 दिनांक 1961-12-16	नवीकरण 1984-12-15 के बाद प्रास्थगित कर दिया गया और लाइसेंस अब उस तिथि के बाद गतावधि है।
3. सीएम/एल-012523 1966-04-26	मुकुंद आयरन एंड स्टील वर्कस लि. कालवे	IS:1977-1975	एस.ओ. 1551 दिनांक 1966-05-28	नवीकरण 1984-05-31 के बाद प्रास्थगित कर दिया गया और लाइसेंस अब उस तिथि के बाद गतावधि है।
4. सी.एम/एल-0132219 1966-08-30	मल्टीवेल्ड वायर कं. प्रा. लि. बम्बई	IS:1566-1967	एस.ओ. 2925 दिनांक 1966-10-01	नवीकरण 1984-11-15 के बाद प्रास्थगित कर दिया गया और लाइसेंस अब उस तिथि के बाद गतावधि है।
5. सीएम/एल-0198754 1969-06-11	इंडस्ट्रियल मिनेरल एंड केमिकल कं. प्रा. लि.; बम्बई	IS:1308-1971	एस.ओ. 3918 दिनांक 1967-07-26	नवीकरण 1984-10-31 के बाद प्रास्थगित कर दिया गया और लाइसेंस अब उस तिथि के बाद गतावधि है।
6. सीएम/एल-0208428 1969-09-30	—बही—	IS:1307-1973	एस.ओ. 4310 दिनांक 1969-10-25	नवीकरण 1984-10-31 के बाद प्रास्थगित कर दिया गया और लाइसेंस अब उस तिथि के बाद गतावधि है।

1	2	3	4	5	6
7	सीएम/एल-0225438 1970-02-16	रबी नंद, कानपुर	IS: 1989 (भाग 1) 1978	एम.ओ. 1235 दि. 1971-04-01	नवीकरण 1984-10-31 के बाद आस्थगित कर दिया गया और लाइसेंस अब उस तिथि के बाद गतावधि है।
8	सीएम/एल-0251227 1971-01-20	मस्टीवेल्ड यावर कं. प्रा. लि. बम्बई	IS: 1948-1979	एम.ओ. 5028 दि. 1971-11-06	नवीकरण 1983-01-15 के बाद आस्थगित कर दिया गया और लाइसेंस अब उस तिथि के बाद गतावधि है।
9	सीएम/एल-0277144 1971-09-16	इंडस्ट्रियल मिटरल एंड कौमिकल कं. प्रा. लि., बम्बई	IS: 3005-1966	एम.ओ. 2403 दि. 1973-09-02	1983-10-31 के बाद गतावधि
10	सीएम/एल-0284515 1971-12-17	भारत कार्पेट्स लि. फरीदा- बाद	IS: 5884-1970	एम.ओ. 2769 दि. 1972-10-07	नवीकरण 1984-06-30 के बाद आस्थगित कर दिया गया और लाइसेंस अब उसी तिथि के बाद गतावधि है।
11	सीएम/एल-0304525 1972-04-28	ब्रिटिश इंडिया रोलिंगमिक्स हाथडा	IS: 1977-1975	एम.ओ. 815 दि. 1973-03-17	नवीकरण 1984-04-30 के बाद आस्थगित कर दिया गया और लाइसेंस अब उसी तिथि के बाद गतावधि है।
12	सीएम/एल-0301929 1972-04-28	श्री गौरी शंकर जट मिक्स लि. कलकत्ता	IS: 2366-1965	एम.ओ. 815 दि. 1973-03-17	नवीकरण 1982-04-30 के बाद आस्थगित कर दिया गया और लाइसेंस अब उसी तिथि के बाद गतावधि है।
13	सीएम/एल-0362337 1973-12-06	भोदु का स्टील लिमिटेड, बंगलौर	IS: 6915-1978	एम.ओ. 1603 दि. 1975-05-21	1984-12-31 के बाद गतावधि
14	सीएम/एल-0368955 1974-01-28	श्री इशार एलॉय स्टील्स (प्रा.) लि., इंदौर	IS: 6914-1975	एम.ओ. 2016 दि. 1976-06-28	1985-01-31 के बाद गतावधि
15	सीएम/एल-0369048 1974-01-28	"	IS: 6915-1978	एम.ओ. 2016 दि. 1976-06-28	1985-01-31 के बाद गतावधि
16	सीएम/एल-0370811 1974-02-16	गस्टी केसा फाउंड्री, कोयम्बर, महाराष्ट्र	IS: 325-1978	एम.ओ. 2082 दिनांक 1975-07-05	1985-02-15 के बाद गतावधि
17	सीएम/एल-0383345 1974-05-15	रोलिज इंडिया लिमिटेड हाथडा	IS: 632-1978	एम.ओ. 4695 दिनांक 1975-11-01	नवीकरण 1985-01-31 के बाद आस्थगित कर दिया गया और लाइसेंस अब उस तिथि के बाद गतावधि है।
18	सीएम/एल-0386250 1974-06-28	वेकटेणर पेस्टिफाइड्स एंड एलाइड कौमिकल्स प्रा. लि. महाराष्ट्र नगर	IS: 561-1978	एम.ओ. 4703 दिनांक 1975-11-01	नवीकरण 1984-05-31 के बाद आस्थगित कर दिया गया और लाइसेंस अब उस तिथि के बाद गतावधि है।
19	सीएम/एल-0388355 1974-07-15	पाप हेल्थ प्राइवेट लि. प्रा. लि. गाजियाबाद	IS: 2567-1978	एम.ओ. 459 दिनांक 1976-01-24	1985-05-15 के बाद गतावधि
20	सीएम/एल-0402727 1974-11-05	मकुन्द आयरन एंड स्टील वर्क्स लिमिटेड कानपुर	IS: 6911-1978	एम.ओ. 2022 दिनांक 1976-06-19	नवीकरण 1984-05-31 के बाद आस्थगित कर दिया गया और लाइसेंस अब उस तिथि के बाद गतावधि है।
21	सीएम/एल-0409135 1974-12-20	माइटिकल इन्फिस्टमाल्स कं. लि. गान्धु	IS: 2567-1978	एम.ओ. 2286 दिनांक 1976-07-03	1985-03-31 के बाद गतावधि
22	सीएम/एल-0424737 1975-02-26	अमृत स्टील्स लि., गाजियाबाद	IS: 1786-1979	एम.ओ. 2473 दिनांक 1976-07-10	1985-02-28 के बाद गतावधि

1	2	3	4	5	6
23. सीएम/एल-0441333 1975-05-30	इण्डियन मिश्रण एंड केमिकल कं., प्रा. लि., बम्बई	IS: 6439-1978	एम.ओ. 3623 दिनांक 1976-10-16	नवीकरण 1984-10-31 के बाद प्रास्थितिक कर दिया गया और लाइसेंस अब उस तिथि के बाद गतावधि।	
24. सीएम/एल-0451134 1975-07-25	साइंटिफिक इन्स्ट्रुमेंट्स कं. गुडूर	IS: 562-1978	एम.ओ. 3914 दिनांक 1976-10-30	1985-03-31 के बाद गतावधि	
25. सीएम/एल-0473851 1975-10-15	अमेरिकन स्प्रिंग एंड प्रेंसिंग लि., बम्बई	IS: 3897-1978	एम.ओ. 1148 दिनांक 1977-04-16	नवीकरण 1983-12-31 के बाद प्रास्थितिक कर दिया गया और लाइसेंस अब उस तिथि के बाद गतावधि। 1983-12-31	
26. सीएम/एल-0474247 1975-10-15 1975-10-15	—वही—	IS: 3634-1982	एम.ओ. 1148 दिनांक 1977-04-16	—प्रयोग— 1983-12-31	
27. सीएम/एल-0474348 1975-10-15	—वही—	IS: 1970(भाग 2)-1982	—प्रयोग—	—प्रयोग— 1983-12-31	
28. सीएम/एल-0474449 1975-10-15	—वही—	IS: 2870-1977	—प्रयोग—	—प्रयोग—	
29. सीएम/एल-0498766 1976-02-02	तनेजा शॉ मिन्स, यमुनानगर	IS: 10(भाग 3)-1974	एम.ओ. 3441 दिनांक 1978-12-02	1985-01-31 के बाद गतावधि	
30. सीएम/एल-0501830 1976-02-20	गंगा फाउंड्री, कोयम्बरूर	IS: 325-1978	एम.ओ. 3441 दिनांक 1978-12-02	1985-01-31 के बाद गतावधि।	
31. सीएम/एल-0502125 1976-02-26	बंगलौर पेट्रोलियम इन्स्ट्रुमेंट्स लि., बंगलौर	IS: 2567-1978	एम.ओ. 3441 दिनांक 1978-12-02	1985-03-31 के बाद गतावधि।	
32. सीएम/एल-0510225 1976-03-31	स्टील एक्पोर्टिटी ऑफ इंडिया. नैनी, हलाहाबाद	IS: 1986-1979	एम.ओ. 12 दिनांक 1979-01-06	नवीकरण 1983-03-31 के बाद प्रास्थितिक कर दिया गया और लाइसेंस अब उस तिथि के बाद गतावधि है।	
33. सीएम/एल-0513837 1976-04-19	मुकुंद धायरन एंड स्टील वर्क्स लि., कानव	IS: 8052-1976	एम.ओ. 314 दिनांक 1979-01-27	नवीकरण 1984-05-31 के बाद प्रास्थितिक कर दिया गया और लाइसेंस अब उस तिथि के बाद गतावधि है।	
34. सीएम/एल-0523234 1976-05-21	बम्बई कैमिकल्स प्रा. लि., बम्बई	IS: 4808-1968	एम.ओ. 954 दिनांक 1979-03-17	नवीकरण 1985-01-31 के बाद प्रास्थितिक कर दिया गया और लाइसेंस अब उस तिथि के बाद गतावधि है।	
35. सी.एम/एल-0539754 1976-08-02	भारत में पेट्रोलियम इन्स्ट्रुमेंट्स प्रा. लि., अहमदाबाद	IS: 633-1975	एम.ओ. 3548 दिनांक 1979-10-20	नवीकरण 1985-03-15 के बाद प्रास्थितिक कर दिया गया और लाइसेंस अब उस तिथि के बाद गतावधि है।	
36. सी.एम/एल-0547349 1976-09-03	कोटवा ब्रदर्स, जामनगर	IS: 916-1975	एम.ओ. 3549 दिनांक 1979-10-20	नवीकरण 1984-09-15 के बाद प्रास्थितिक कर दिया गया और लाइसेंस अब उस तिथि के बाद गतावधि है।	
37. सी.एम/एल-0582351 1977-01-24	भारत इंड. एंड ईजी. वर्क्स (प्रा.) लि., नागपुर	IS: 1977-1975	एम.ओ. 420 दिनांक 1980-02-23	नवीकरण 1984-04-15 के बाद प्रास्थितिक कर दिया गया और लाइसेंस अब उस तिथि के बाद गतावधि है।	

1	2	3	4	5	6
38. सी एम/एल-0584658 1977-01-24	इंडस्ट्रियल मिनरल एंड केमिकल कं. प्रा लि., बम्बई	IS : 1307-1973	एस ओ 420 दिनांक 1980-02-23	नवीकरण 1984-10-31 के बाद प्रास्थगित कर दिया गया और लाइसेंस अब उस तिथि के बाद गतावधि है।	
39. सी एम/एल-0585357 1977-01-24	--यथोपरि--	IS : 5281-1979	--यथोपरि--	--यथोपरि-- 1984-10-31	
40. सी एम/एल-0585458 1977-01-24	आई एस सीसी प्रा. लि., बम्बई	IS : 6439-1978	एस ओ 420 दिनांक 1980-02-23	1984-10-31 के बाद गतावधि	
41. सी एम/एल-0591857 1977-02-28	इंजिनियरिंग इंटरप्राइजेज, जयपुर	IS : 916-1975	एस ओ 731 दिनांक 1980-03-22	नवीकरण 1985-02-28 के बाद प्रास्थगित कर दिया गया और लाइसेंस अब उस तिथि के बाद गतावधि है।	
42. सी एम/एल-0594560 1977-03-21	भावनगर टीन फैक्टरी, भावनगर	IS : 916-1975	एस ओ 787 दिनांक 1980-03-29	1985-02-28 के बाद गतावधि है।	
43. सी एम/एल-0609244 1977-05-13	सरताज इंड., दिल्ली	IS : 419-1969	एस ओ 283 दिनांक 1981-01-24	नवीकरण 1984-05-15 के बाद प्रास्थगित कर दिया गया और लाइसेंस अब उस तिथि के बाद गतावधि है।	
44. सी एम/एल-0610330 1977-05-16	अंजान्या इंड., साउथ कलाहमेरी, त्रिपुरा एर्णाकुलम	IS : 398-(भाग 1) 1976	एस ओ 283 दिनांक 1981-01-24	नवीकरण 1983-05-15 के बाद प्रास्थगित कर दिया गया और लाइसेंस अब उस तिथि के बाद गतावधि है।	
45. सी एम/एल-0621840 1977-06-30	स्टेडर्ड इंडी. कं. पाटनेरा	IS : 4246-1984	एस ओ 284 दिनांक 1981-01-24	नवीकरण 1979-06-30 के बाद प्रास्थगित कर दिया गया और लाइसेंस अब उस तिथि के बाद गतावधि है।	
46. सी एम/एल-0664050 1978-01-06	छाटो हस्तमन (प्रा.) लि., फरीदाबाद	IS : 2325-1963	एस ओ 1615 दिनांक 1981-05-30	नवीकरण 1985-01-15 के बाद प्रास्थगित कर दिया गया और अब उस तिथि के बाद गतावधि है।	
47. सी एम/एल-0668361 1978-01-24	नफरचन्द्र जूट मिल लि., कलकत्ता	IS : 2818(भाग 2)- 1974	एस ओ 1615 दिनांक 1981-05-30	1985-01-15 के बाद गतावधि है।	
48. सी एम/एल-0668563 1978-01-24	--यथोपरि--	IS : 7404(भाग 2) -1980	--वही--	--वही-- 1985-01-15	
49. सी एम/एल-0673253 1987-01-31	रायपुर मेटल प्राइवेट्स प्रा. लि., रायपुर	IS : 1660(भाग 1) और (भाग 2)-1977	एस ओ 1615 दिनांक 1981-05-30	नवीकरण 1981-01-31 के बाद प्रास्थगित कर दिया गया और लाइसेंस अब उस तिथि के बाद गतावधि है।	
50. सी एम/एल-0698774 1978-04-28	कंमोनिटेड न्यूमेटिक टन्स कं., बम्बई	IS : 2148-1968	एस ओ 1725 दिनांक 1981-06-13	1985-04-30 के बाद गतावधि है।	
51. सी एम/एल-0771538 1978-07-17	बोल्टाम लि., ठाणे	IS : 2148-1968	एस ओ 2176 दिनांक 1981-08-15	1985-04-15 के बाद गतावधि है।	
52. सी एम/एल-0716851 1978-08-16	बाजोरिया कोटिंग इंड. (प्रा.) लि., कलकत्ता	IS : 3450-1976	एस ओ 2180 दिनांक 1981-08-15	नवीकरण 1984-08-31 के बाद प्रास्थगित कर दिया गया और लाइसेंस अब उस तिथि के बाद गतावधि है।	
53. सी एम/एल-0722947 1978-09-18	एल्युमिनियम उपयोग, रायपुर	IS : 737-1974	एस ओ 2215 दिनांक 1981-08-22	नवीकरण 1984-09-30 के बाद प्रास्थगित कर दिया गया और लाइसेंस अब उस तिथि के बाद गतावधि है।	

1	2	3	4	5	6
54. सी.एम./एल-0738053 1978-11-30	साइंटिफिक इन्वेस्टिगेशन्स क. गुन्टूर	IS : 633-1975	एस.ओ. 2270 दिनांक 1981-08-29	नवीकरण 1984-12-15 के बाद आस्थगित कर दिया गया और लाइसेंस अब उस तिथि के बाद गतावधि है।	
55. सी.एम./एल-0748864 1979-01-19	एलमक केपेविटसे लि., मालापुरम	IS : 2834-1981	एस.ओ. 2277 दिनांक 1981-08-29	1985-01-31 के बाद गतावधि है।	
56. सी.एम./एल-0755659 1979-02-24	के.सी.एम. लि., जामनगर	IS : 2024-1974	एस.ओ. 2310 दिनांक 1981-09-05	1985-02-28 के बाद गतावधि है।	
57. सी.एम./एल-0759263 1979-03-05	जय इंडस्ट्रीज, मर्डी गोविन्दगढ़	IS : 226-1975	एस.ओ. 2585 दिनांक 1981-10-03	नवीकरण 1984-06-15 के बाद आस्थगित कर दिया गया और लाइसेंस अब उस तिथि के बाद गतावधि है।	
58. सी.एम./एल-0768971 1979-04-02	एम.पी. उद्योग लि., कानपुर	IS : 1977-1975	एस.ओ. 2974 दिनांक 1981-10-31	1985-04-15 के बाद गतावधि है।	
59. सी.एम./एल-0803947 1979-09-28	मेटल क्राफ्ट, जम्शेदपुर	IS : 3906(भाग 1)- 1982	एस.ओ. 1772 दिनांक 1982-05-15	नवीकरण 1983-10-15 के बाद आस्थगित कर दिया गया और लाइसेंस अब उस तिथि के बाद गतावधि है।	
60. सी.एम./एल-0806852 1979-10-17	लक्ष्मी इंडस्ट्रीज, कोल्हापुर	IS : 325-1978	एस.ओ. 1771 दिनांक 1982-05-15	नवीकरण 1984-10-31 के बाद आस्थगित कर दिया गया और लाइसेंस अब उस तिथि के बाद गतावधि है।	
61. सी.एम./एल-0819154 1979-11-30	स्टील ट्यूब एफ इंडिया लि., बेवास	IS : 1161-1968	एस.ओ. 1832 दिनांक 1982-05-22	नवीकरण 1983-12-16 के बाद आस्थगित कर दिया गया और लाइसेंस अब उस तिथि के बाद गतावधि है।	
62. सी.एम./एल-0840953 1980-02-27	महाराज प्रजुट मिल्स लि., कलकत्ता	IS : 2874-1964	एस.ओ. 3445 दिनांक 1982-10-02	1985-01-15 के बाद गतावधि है।	
63. सी.एम./एल-0874364 1980-06-12	इंडियन बॉय टिम्बर ट्रेड प्रा. लि., कलकत्ता	IS : 10 (भाग 2) 1976	एस.ओ. 4459 दिनांक 1983-12-10	नवीकरण 1984-06-30 के बाद आस्थगित कर दिया गया और लाइसेंस अब उस तिथि के बाद गतावधि है।	
64. सी.एम./एल-0875568 1980-06-13	श्री गान्धी शंकर लूट मिल्स लि., कलकत्ता	IS : 1943-1964	एस.ओ. 4459 दिनांक 1983-12-10	नवीकरण 1982-04-30 के बाद आस्थगित कर दिया गया और लाइसेंस अब उस तिथि के बाद गतावधि है।	
65. सी.एम./एल-0875770 1980-06-17	हिरण्योष्णि कमिक्स एंड पब्लिशिंग- डम, बहादुर गढ़	IS : 3907-1975	एस.ओ. 4459 दिनांक 1983-12-10	नवीकरण 1984-08-31 के बाद आस्थगित कर दिया गया और लाइसेंस अब उस तिथि के बाद गतावधि है।	
66. सी.एम./एल-0890463 1980-08-19	नेशनल स्पोर्ट्स वियर प्राइवेट्स, पश्चिम बंगाल	IS : 398 (भाग 2)-1976	एस.ओ. 4531 दिनांक 1983-12-17	नवीकरण 1983-08-15 के बाद आस्थगित कर दिया गया और लाइसेंस अब उस तिथि के बाद गतावधि है।	
67. सी.एम./एल-0898479 1980-09-12	त्रिवेन्द्र स्पनिंग मिल्स लि., त्रिवेन्द्र	IS : 171-1973	एस.ओ. 4614 दिनांक 1983-12-24	नवीकरण 1984-09-30 के बाद आस्थगित कर दिया गया और लाइसेंस अब उस तिथि के बाद गतावधि है।	

1	2	3	4	5
68. सी एम/एल-0900137 1980-09-30	मार्शन केमिकल्स, शिमोगा	IS : 562-1978	ए.प्र. क्रो. 4614 वि. 1983-12-24	नवीकरण 1983-09-30 के बाद प्रास्थगित कर दिया और लाइसेंस अब उसी तिथि के बाद गतावधि है।
69. सी एम/एल-0913752 1980-11-20	अमेरिकन स्प्रिंग एंड प्रेसिंग लि., बम्बई	IS : 7593-1975	ए.प्र. क्रो. 644 वि. 1984-03-03	नवीकरण 1983-12-31 के बाद प्रास्थगित कर दिया गया और लाइसेंस अब उसी तिथि के बाद गतावधि है।
70. सी एम/एल-0917659 1980-11-28	बीर इंजी., वर्क्स, जलंधर	IS : 90-1975	ए.प्र. क्रो. 644 वि. 1984-02-03	नवीकरण 1983-12-15 के बाद प्रास्थगित कर दिया गया और लाइसेंस अब उसी तिथि के बाद गतावधि है।
71. सी एम/एल-0925658 1980-12-24	साउथ इंडिया स्टील एंड टाईर इंडस्ट्रीज, सालेम	IS : 226-1975	ए.प्र. क्रो. 1591 वि. 1984-05-12	1984-82-31 के बाद गतावधि।
72. सी एम/एल-0929263 1980-12-31	मग्ना हार्डटेप लि., मेरठ जिला	IS : 2507-1975	ए.प्र. क्रो. 1592 वि. 1984-05-12	नवीकरण 1985-01-15 के बाद प्रास्थगित कर दिया गया और लाइसेंस अब उसी तिथि के बाद गतावधि है।
73. सी एम/एल-0937968 1981-01-31	आलकंप इंडस्ट्रीज, विक्रमनगर	IS : 20 (भाग 2)-1978	ए.प्र. क्रो. 1830 वि. 1984-06-09	नवीकरण 1984-02-15 के बाद प्रास्थगित कर दिया गया और लाइसेंस अब उसी तिथि के बाद गतावधि है।
74. सी एम/एल-0939568 1981-02-06	तोशिका इमंवेसमेंटरोज, लि., कलम- सेरी	IS : 9 28-1979	ए.प्र. क्रो. 4241 वि. 1984-12-08	नवीकरण 1984-02-29 के बाद प्रास्थगित कर दिया गया और लाइसेंस उसी तिथि के बाद गतावधि है।
75. सी एम/एल-0945361 1981-02-21	भांगत पुलवर इन्ड्रिग मिल्स प्रा. लि., बम्बई	IS : 565-1975	ए.प्र. क्रो. 4241 वि. 1984-12-08	नवीकरण 1984-02-29 के बाद प्रास्थगित कर दिया गया और लाइसेंस अब उसी तिथि के बाद गतावधि है।
76. सी एम/एल-0951154 1981-03-10	कीन पेस्टीसाइड्स प्रा. लि., अंकलेखर	IS : 896-1973	ए.प्र. क्रो. 320 वि. 1985-01-26	नवीकरण 1985-03-15 के बाद प्रास्थगित कर दिया गया और लाइसेंस अब उसी तिथि के बाद गतावधि है।
77. सी एम/एल-0967270 1981-05-01	गोविंद केबल इंडस्ट्रीज, दिल्ली	IS : 694-1977	ए.प्र. क्रो. 326 वि. 1985-01-26	1985-05-15 के बाद गतावधि।
78. सी एम/एल-0968171 1981-05-11	भारतीय इस्पात उद्योग प्रा. लि., पटना	IS : 1977-1975	ए.प्र. क्रो. 326 वि. 1985-11-26	नवीकरण 1984-05-31 के बाद प्रास्थगित कर दिया गया और लाइसेंस अब उसी तिथि के बाद गतावधि है।
79. सी एम/एल-0976473 1981-06-12	बेतना पुलवर इन्ड्रिग मिल्स, गनपुर जिला	IS : 4323-1980	ए.प्र. क्रो. 545 वि. 1985-02-09	नवीकरण 1984-05-30 के बाद प्रास्थगित कर दिया गया और लाइसेंस अब उसी तिथि के बाद गतावधि है।
80. सी एम/एल-0983167 1981-07-22	हिंद स्टोल्स, बेलगांव	IS : 6750-1972	ए.प्र. क्रो. 3749 वि. 1985-02-23	नवीकरण 1984-07-31 के बाद प्रास्थगित कर दिया गया और लाइसेंस अब उसी तिथि के बाद गतावधि है।

(1)	(2)	(3)	(4)	(5)	(6)
81. सी एम/एल-0985474 1981-07-30	सनहोम केबल इंडस्ट्रीज, बंडो गढ़	IS : 2465-1969	ए. प्रो. 749 दि. 1985-02-23	नवीकरण 1984-08-15 के बाद आस्थापित कर दिया गया और लाइसेंस अब उसी तिथि के बाद गतावधि है।	
82. सी एम/एल-0987983 1981-08-18	आदर्श स्टील्स प्रा. लि., बंजावाट, सोलन	IS : 1786-1979	ए. प्रो. 747 दि. 1985-02-23	नवीकरण 1984-08-31 के बाद आस्थापित कर दिया गया और लाइसेंस अब उसी तिथि के बाद गतावधि है।	
83. सी एम/एल-0999990 1981-09-30	अस्तपूर्णा पुलवरा इजिप्टियन एल्यूमिनाइट (प्रा. घ.)	IS : 8239-1976	ए. प्रो. 1015 दि. 1985-03-09	नवीकरण 1984-10-15 के बाद आस्थापित कर दिया गया और लाइसेंस अब उसी तिथि के बाद गतावधि है।	
84. सी एम/एल-1001103 1981-10-03	सुरेका स्टील्स लि., कलकत्ता	IS : 1786-1979	ए. प्रो. 1014 दि. 1985-03-09	नवीकरण 1984-10-16 के बाद आस्थापित कर दिया गया और लाइसेंस अब उसी तिथि के बाद गतावधि है।	
85. सी एम/एल-1001509 1981-10-31	सुरेका स्टील्स लि., कलकत्ता	IS : 1786-1979	ए. प्रो. 1014 दि. 1985-03-09	नवीकरण 1984-10-16 के बाद आस्थापित कर दिया गया और लाइसेंस अब उसी तिथि के बाद गतावधि है।	
86. सी एम/एल-1005419 1981-10-31	दूरवाणी केबल्स प्रा. लि., बंगलौर	IS : 2465-1969	ए. प्रो. 1014 दि. 1985-03-09	नवीकरण 1984-11-15 के बाद आस्थापित कर दिया गया और लाइसेंस अब उसी तिथि के बाद गतावधि है।	
87. सी एम/एल-1010917 1981-11-19	कोरेस्ट इंडस्ट्रीज एंड एलायज प्रोडक्ट्स, कोचिन	IS : 10 (भाग 2)- 1976	ए. प्रो. 1016 दि. 1985-03-09	नवीकरण 1984-11-30 के बाद आस्थापित कर दिया गया और लाइसेंस अब उसी तिथि के बाद गतावधि है।	
88. सी एम/एल-1011818 1981-11-20	यूनाइटेड मोबिलिटी वर्क्स, रांची	IS : 6664-1974	ए. प्रो. 1016 दि. 1985-03-09	नवीकरण 1983-11-30 के बाद आस्थापित कर दिया गया और लाइसेंस अब उसी तिथि के बाद गतावधि है।	
89. सी एम/एल-1015927 1981-12-03	इंडियन मजिक लैम्प्स, फ्री, धर्मरावली	IS : 758-1975	ए. प्रो. 1021 दि. 1985-03-09	नवीकरण 1983-12-15 के बाद आस्थापित कर दिया गया और अब लाइसेंस उसी तिथि के बाद गतावधि है।	
90. सी एम/एल-1016626 1981-12-10	साथ बिस्कुट्स एंड चोकलेट क. प्रा. लि., पुणे	IS : 6762-1979	ए. प्रो. 1021 दि. 1985-03-09	नवीकरण 1983-03-31 के बाद आस्थापित कर दिया गया और लाइसेंस अब उसी तिथि के बाद गतावधि है।	
91. सी एम/एल-1018630 1981-12-11	निकी बॉटर वर्क्स, रांची	IS : 280-1978	ए. प्रो. 1021 दि. 1985-03-09	1983-12-15 के बाद गतावधि है।	
92. सी एम/एल-1021821 1981-12-24	गुजरान स्टेड को-ऑपरेटिव मार्केटिंग फेडरेशन लि., अहमदाबाद	IS : 633-1975	ए. प्रो. 1021 दिनांक 1985-03-09	नवीकरण 1984-12-31 के बाद आस्थापित कर दिया गया और लाइसेंस अब उसी तिथि के बाद गतावधि है।	
93. सी एम/एल-1033525 1982-01-29	राजस्थान मिथेनिक इंडस्ट्रीज, जयपुर	IS : 4985-1981	ए. प्रो. 1295 दिनांक 1985-03-30	1985-12-15 के बाद गतावधि है।	

1	2	3	4	5	6
94. सी एम/एल-1037533 1982-02-12	ऑस्ट्रेलिया इन्वैस्टिगेशन कंसल्टिंग, जयपुर	IS : 398 (भाग 2)- 1976	एम.ओ. 1397 दिनांक 1985-04-06	नवीकरण 1985-02-28 के बाद आस्थगित कर दिया गया और लाइसेंस अब उसी तिथि के बाद गतावधि है।	
95. सी एम/एल-1037634 1982-02-12	-यथोपरि-	IS : 398 (भाग 1)- 1976	एम.ओ. 1397 दिनांक 1985-04-06	नवीकरण 1985-02-28 के बाद आस्थगित कर दिया गया और लाइसेंस अब उसी तिथि के बाद गतावधि है।	
96. सी एम/एल-1038030 1982-02-16	महासवि रोलिंग मिल्स, कलकत्ता	IS : 1786-1979	एम.ओ. 1397 दिनांक 1985-04-04	नवीकरण 1984-02-28 के बाद आस्थगित कर दिया गया और लाइसेंस अब उसी तिथि के बाद गतावधि है।	
97. सी एम/एल-1043629 1982-02-26	इलीक्ट्रिकल एप्लायमेंस, बालनपुर	IS : 398 (भाग 1)- 1976	एम.ओ. 1397 दिनांक 1985-05-06	नवीकरण 1983-03-15 के बाद आस्थगित कर दिया गया और लाइसेंस अब उसी तिथि के बाद गतावधि है।	
98. सी एम/एल-1048740 1982-03-08	टोपकॉन कंटेनर कंपनी, लघियाना	IS : 2834-1964	एम.ओ. 1406 दिनांक 1985-04-06	नवीकरण 1984-03-15 के बाद आस्थगित कर दिया गया और लाइसेंस अब उसी तिथि के बाद गतावधि है।	
99. सी एम/एल-1050323 1982-03-08	नेशनल स्क्रू एंड वायर प्रोडक्ट्स लि., पश्चिम बंगाल	IS : 398 (भाग 1)- 1976	एम.ओ. 1406 दिनांक 1984-04-06	नवीकरण 1983-03-16 के बाद आस्थगित कर दिया गया और लाइसेंस अब उसी तिथि के बाद गतावधि है।	
100. सी एम/एल-1059644 1982-03-23	ग्राम बंगाल बेनोर इंडस्ट्रीज प्रा. लि., कलकत्ता	IS : 10 (भाग 3)-1974 1978	एम.ओ. 1406 दिनांक 1985-04-06	नवीकरण 1984-03-31 के बाद आस्थगित कर दिया गया और लाइसेंस अब उसी तिथि के बाद गतावधि है।	
101. सी एम/एल-1067946 1982-04-15	जेलन एथिल वर्क्स, मोगा	IS : 9020-1979	एम.ओ. 1635 दिनांक 1985-04-20	नवीकरण 1984-04-15 के बाद आस्थगित कर दिया गया और लाइसेंस अब उसी तिथि के बाद गतावधि है।	
102. सी एम/एल-1068443 1982-04-15	पंजाब एग्रीकल्चरल मशीनरी वर्क्स, मोगा	IS : 9020-1979	एम.ओ. 1635 दिनांक 1985-04-20	नवीकरण 1984-04-15 के बाद आस्थगित कर दिया गया और लाइसेंस अब उसी तिथि के बाद गतावधि है।	
103. सी एम/एल-1069546 1982-04-15	कॉलसोइडो वर्क्स, मोगा	IS : 9020-1979	एम.ओ. 1635 दिनांक 1985-04-20	नवीकरण 1984-04-15 के बाद आस्थगित कर दिया गया और लाइसेंस अब उसी तिथि के बाद गतावधि है।	
104. सी एम/एल-1071331 1982-04-21	नाशन मिनरल्स प्रा. लि., गुडगाँव	IS : 2568-1978	एम.ओ. 1635 दिनांक 1985-04-20	नवीकरण 1984-05-31 के बाद आस्थगित कर दिया गया और लाइसेंस अब उसी तिथि के बाद गतावधि है।	
105. सी एम/एल-1075137 1982-05-04	बरोनो वैक्स प्रोडक्ट्स, जेमुसराय	IS : 4654-1974	एम.ओ. 3996 दिनांक 1985-08-24	नवीकरण 1984-05-15 के बाद आस्थगित कर दिया गया और लाइसेंस अब उसी तिथि के बाद गतावधि है।	
106. सी एम/एल-1076947 1982-05-08	लॉसबिल इंडोनिशिय (प्रा.) लि. हैदराबाद	IS : 3196-1982	एम.ओ. 3996 दिनांक 1985-08-14	नवीकरण 1984-05-15 के बाद आस्थगित कर दिया गया और लाइसेंस अब उसी तिथि के बाद गतावधि है।	

1	2	3	4	5	6
107. सी एम/एल-1087043 1982-06-04	नान मोलर इंस्ट्रुमेंट कार्पोरेशन मद्रास	IS : 4246-1984	एम.ओ. 5593 दिनांक 1985-12-14	नवीकरण 1984-06-15 के बाद आस्थापित कर दिया गया और लाइसेंस अब उसी विधि के बाद गतावधि है।	
108. सी एम/एल-1091943 1982-06-17	अन्जलिया इंस्ट्रुमेंट, माउथ कल्लेमेर जिला एनिक लम	IS : 398 (भाग 2)- 1976	एम.ओ. 5598 दिनांक 1985-12-14	नवीकरण 1983-06-30 के बाद आस्थापित कर दिया गया और लाइसेंस अब उसी विधि के बाद गतावधि है।	
109. सी एम/एल-1096246 1982-06-30	प्रामिथर टूरस एंड एन्तेनरोज, रत्नलाम	IS : 778-1971	एम.ओ. 5598 दिनांक 1985-12-14	नवीकरण 1983-07-15 के बाद आस्थापित कर दिया गया और लाइसेंस अब उसी विधि के बाद गतावधि है।	
110. सी एम/एल-1105423 1982-08-03	जिबल पार्लम लि., मजिथलवाड	IS : 4985-1981	एम.ओ. 355 दिनांक 1986-02-01	नवीकरण 1984-07-31 के बाद आस्थापित कर दिया गया और लाइसेंस अब उसी विधि के बाद गतावधि है।	
111. सी एम/एल-1110214 1982-08-21	प्रेम खालसा प्राथरन एंड स्टोल रोलिंग मिल्स, मुंडी गोविन्दगढ़	IS : 226-1975	एम.ओ. 355 दिनांक 1985-02-01	नवीकरण 1984-08-31 के बाद आस्थापित कर दिया गया और लाइसेंस अब उसी विधि के बाद गतावधि है।	
112. सी एम/एल-1121724 1982-09-30	बी. एम. बाबुस प्रा. लि., श्रीमन्नीवली	IS : 280-1978	एम.ओ. 362 दिनांक 1986-02-01	नवीकरण 1983-10-15 के बाद आस्थापित कर दिया गया और लाइसेंस अब उसी विधि के बाद गतावधि है।	
113. सी एम/एल-1126734 1983-10-22	श्री गंकर इंस्ट्रुमेंट, भोपाल	IS : 9020-1979	एम.ओ. 495 दिनांक 1986-02-08	नवीकरण 1983-10-15 के बाद आस्थापित कर दिया गया और लाइसेंस अब उसी विधि के बाद गतावधि है।	
114. सी एम/एल-1127837 1982-10-22	वडा पुकेवकान वैन्गु. कं. लि., हंजुर	IS : 398 (भाग 2)-1976	एम.ओ. 495 दिनांक 1986-02-08	1984-11-15 के बाद गतावधि	
115. सी एम/एल-1130927 1982-11-10	मुग स्टाल प्रोडक्शन लि., नंग हाडैम	IS : 1926 (भाग 4)- 1974	एम.ओ. 663 दिनांक 1986-02-22	नवीकरण 1984-11-15 के बाद आस्थापित कर दिया गया और लाइसेंस अब उसी विधि के बाद गतावधि है।	
116. सी एम/एल-1145637 1982-12-23	इलेक्ट्रो लिंक इंस्ट्रुमेंट रेखा (म.प्र.)	IS : 398 (भाग 1)- 1975	एम.ओ. 1154 दिनांक 1986-03-22	नवीकरण 1983-12-31 के बाद आस्थापित कर दिया गया है और लाइसेंस अब उसी विधि के बाद गतावधि है।	
117. सी एम/एल-1146841 1982-12-30	प्रकाश इंस्ट्रुमेंट, भोपाल	IS : 9020-1979	एम.ओ. 1154 दिनांक 1985-02-22	नवीकरण 1983-12-31 के बाद आस्थापित करा दिया गया और लाइसेंस अब उसी विधि के बाद गतावधि है।	
118. सी एम/एल-1146942 1982-12-30	अर्णो कं. लि. वर्म, सोपाण	IS : 9020-1979	एम.ओ. 1154 दिनांक 1986-03-22	नवीकरण 1983-12-31 के बाद आस्थापित कर दिया गया और लाइसेंस अब उसी विधि के बाद गतावधि है।	
119. सी एम/एल-1149342 1983-01-07	कैडम आन फाऊंड्री एंड वर्कशाप, मधियाता	IS : 9020-1979	एम.ओ. 1480 दिनांक 1986-04-12	नवीकरण 1984-01-15 के बाद आस्थापित कर दिया गया और लाइसेंस अब उसी विधि के बाद गतावधि है।	

1	2	3	4	5
120	सी.एम./एल-1186036 सुरेन्द्र हार्डवेयर कार्पोरेशन दिल्ली IS : 35-1975 1983-01-27		एम.ओ. 1480 दिनांक 1986-04-12	नवीकरण 1985-01-31 के बाद प्रास्थगित कर दिया गया और लाइसेंस अब उसी तिथि के बाद गतावधि है।
121.	सी.एम./एल-1161738 एशिया स्टील्स प्राइवेट लि., कलकत्ता IS : 226-1975 1983-02-11		एम.ओ. 1892 दिनांक 1986-05-10	नवीकरण 1984-02-28 के बाद प्रास्थगित कर दिया गया और लाइसेंस अब उसी तिथि के बाद गतावधि है।
122.	सी.एम./एल-1162637 नेशनल रोलिंग एंड स्टील रोलर्स IS : 279-1981 1983-02-11 24 परगनाज		एम.ओ. 1892 दिनांक 1986-05-10	नवीकरण 1985-02-28 के बाद प्रास्थगित कर दिया गया और लाइसेंस अब उसी तिथि के बाद गतावधि है।
123.	सी.एम./एल-1164641 वेस्टर्न इलेक्ट्रोनिक्स, जोधपुर IS : 4031-1968 1983-02-18		एम.ओ. 1892 दिनांक 1986-05-10	नवीकरण 1984-02-28 के बाद प्रास्थगित कर दिया गया और लाइसेंस अब उसी तिथि के बाद गतावधि है।
124.	सी.एम./एल-1165138 वेस्टर्न इलेक्ट्रोनिक्स, जोधपुर IS : 516-1959 1983-02-17		एम.ओ. 1892 वि. 1986-05-10	नवीकरण 1984-02-28 के बाद प्रास्थगित कर दिया गया और लाइसेंस अब उसी तिथि के बाद गतावधि है।
125.	सी.एम./एल-1168952 बी.टी. कन्स्ट्रक्शंस प्रा. लि., IS : 398(भाग 2)- 1983-03-03 ब्यावर 1976		एम.ओ. 2414 वि. 1986-06-28	1985-03-15 के बाद गतावधि
126.	सी.एम./एल-1175444 हैदराबाद कैमिकल सप्लाइज IS : 2567-1978 1983-03-21 (प्रा) लि., हैदराबाद		एम.ओ. 2414 वि. 1986-06-28	1985-03-31 के बाद गतावधि
127.	सी.एम./एल-1189859 मावन मल शिबूमल स्टील रि- IS : 1786-1979 1983-05-18 रोविंग मिल्स, मन्डी गोविन्दगढ़		एम.ओ. 2506 वि. 1986-07-12	नवीकरण 1984-05-31 के बाद प्रास्थगित कर दिया गया और लाइसेंस अब उसी तिथि के बाद गतावधि है।
128.	सी.एम./एल-1201924 कमालम पस्टोसाइड्स, कुली- IS : 516-1978 1983-06-21 पिराई		एम.ओ. 2790 वि. 1986-08-09	नवीकरण 1984-05-30 के बाद प्रास्थगित कर दिया गया और लाइसेंस अब उसी तिथि के बाद गतावधि है।
129.	सी.एम./एल-1227134 बिलवा प्रेसर बेसल्स (प्रा) लि., IS : 3196-1982 1983-08-11 हैदराबाद		एम.ओ. 2889 वि. 1986-08-16	नवीकरण 1984-08-15 के बाद प्रास्थगित कर दिया गया और लाइसेंस अब उसी तिथि के बाद गतावधि है।
130.	सी.एम./एल-1228540 गोतम रोलिंग मिल्स, हैदराबाद IS : 226-1975 1983-08-19		एम.ओ. 2889 वि. 1986-08-16	नवीकरण 1984-08-31 के बाद प्रास्थगित कर दिया गया और लाइसेंस अब उसी तिथि के बाद गतावधि है।
131.	सी.एम./एल-12384422 बी.टी. कन्स्ट्रक्शंस प्रा. लि., IS : 398(भाग 1) 1983-09-29 ब्यावर 1976		एम.ओ. 3101 वि. 1986-09-13	नवीकरण 1984-10-15 के बाद प्रास्थगित कर दिया गया और लाइसेंस अब उसी तिथि के बाद गतावधि है।
132.	सी.एम./एल-1243233 रोमर एंड कं. (इंडिया) लिमिटेड IS : 1333-1978 1983-10-25		एम.ओ. 3325 वि. 1986-09-27	नवीकरण 1984-10-31 के बाद प्रास्थगित कर दिया गया और लाइसेंस अब उसी तिथि के बाद गतावधि है।

(1)	(2)	(3)	(4)	(5)	(6)
133. सीएम/एल-1246138 1983-11-01	इलेक्ट्रिकल स्वीच गीयर्स (प्रा.) लि., जलधर (पंजाब)	IS : 4246-1984	एम ओ 3511 दि. 1986-10-11	नवीकरण 1984-10-31 के बाद प्रास्थगित कर दिया गया और लाइसेंस अब उसी तिथि के बाद गतावधि है।	
134. सीएम/एल-1269453 1984-01-19	भारत प्लास्टरगिप्स मिल्स प्रा. लि., बम्बई	IS : 8498-1977	एम ओ 3794 दि. 1986-11-08	नवीकरण 1985-01-31 के बाद प्रास्थगित कर दिया गया और लाइसेंस अब उसी तिथि के बाद गतावधि है।	
135. सीएम/एल-1276450 1984-02-03	गुरुदयाल सिंह एंड सन, गिबपुरी (भोपाल)	IS : 9020-1979	एम ओ 3793 दि. 1986-11-08	नवीकरण 1985-01-31 के बाद गतावधि है।	
136. सीएम/एल-1277351 1984-02-13	बीधरी मॉटल इंडस्ट्रीज (प्रा.) लि., फरीदाबाद	IS : 2465-1969	एस ओ 3793 दिनांक 1986-11-08	नवीकरण 1985-02-15 के प्रास्थगित कर दिया गया और लाइसेंस अब उसी तिथि के बाद गतावधि है।	
137. सीएम/एल-1277553 1984-02-13	स्टेरलाइट कैबल्स लि., थाणे	IS : 398(भाग 2)- 1976	एस ओ 3793 दिनांक 1986-11-08	नवीकरण 1985-02-28 के बाद गतावधि है।	
138. सीएम/एल-1277654 1984-02-13	इस्टर्न स्टील एंड एलाय कं. लि., कलकत्ता	IS : 6914-1978	एस ओ 3793 दिनांक 1986-11-08	नवीकरण 1985-02-28 के बाद प्रास्थगित कर दिया गया और लाइसेंस अब उसी तिथि के बाद गतावधि है।	
139. सीएम/एल-1277755 1984-02-13	यद्योपरि-	IS : 6915-1978	एस ओ 3793 दिनांक 1986-11-08	नवीकरण 1985-02-28 के बाद प्रास्थगित कर दिया गया और लाइसेंस अब उसी तिथि के बाद गतावधि है।	
140. सीएम/एल-1278151 1984-02-13	एस एस भार ग्लास इंडस्ट्रीज, नोएडा	IS : 1223(खंड 1)- 1982	एस ओ 3793 दिनांक 1986-11-08	नवीकरण 1985-02-15 के बाद प्रास्थगित कर दिया गया और लाइसेंस अब उसी तिथि के बाद गतावधि है।	
141. सीएम/एल-1279860 1984-02-15	प्रकाश रि-रोलिंग मिल्स, पटना	IS : 226-1975	एस ओ 3793 दिनांक 1986-11-08	नवीकरण 1985-02-28 के बाद गतावधि है।	
142. सीएम/एल-1280037 1984-02-15	कोर्ले एंड रे (फार्डवेल एंड इंजीनियर्स) प्रा. लि., कलकत्ता	IS : 1538(भाग 19)- 1976	एस ओ 3793 दिनांक 1986-11-08	नवीकरण 1985-02-28 के बाद गतावधि है।	
143. सीएम/एल-1300118 1984-03-23	एलबीआर फीड्स एंड मिनरल्स प्रा. लि.	IS : 2052-1979	एस ओ 3976 दिनांक 1986-11-29	नवीकरण 1985-03-31 के बाद गतावधि है।	
144. सीएम/एल-1302122 1984-03-28	गुरुनानक एग्रीकल्चर इंडस्ट्रीज, अमृतसर	IS : 9020-1979	एस ओ 3976 दिनांक 1986-11-29	नवीकरण 1985-03-31 के बाद गतावधि है।	

[सं. के. प्र. दि. / 13 : 14]

New Delhi, the 9th August, 1990

S.O. 2350.--In pursuance of sub-regulation (6) of Regulation 5 of the Bureau of Indian Standards (Certification) Regulations, 1988, it is, hereby notified that the certification Marks Licences, details of which are mentioned in the following Schedule, have expired:

SCHEDULE

Sl. Licence No. No. (CM/L)	Licensee	IS:No.	S.O. No. & date of the Gazette Notifying Grant of Licence	Remarks
(1)	(2)	(3)	(4)	(5)
LICENCE LAPSED				
1. CM/L-0034825 1961-10-11	Malav Vanaspati & Chemical Co Ltd., Indore	IS:916-1975	S.O. 2708 dated 1961-11-18	Renewal was deferred after 1984-9-30 the licence now stands lapsed after that date.

(1)	(2)	(3)	(4)	(5)	(6)
2. CM/L-0036122 1961-11-27	Modi Vanaspati Mfg. Co. Distt Ghaziabad	IS:916-1975	S.O. 2940 dated 1961-12-26	Renewal was deferred after 1984-12-15; the licence now stands lap- sed after that date.	
3. CM/L-0125323 1966-04-26	Mukund Iron & Steel works Ltd. Kalwe	IS:1977-1975	S.O. 1551 dated 1966-05-28	Renewal was deferred after 1984-05-31 the licence now stands lapsed after that date.	
4. CM/L-0132219 1966-08-30	Multiweld wire Co. Pvt. Ltd., Bombay	IS:1566-1967	S.O. 2925 dated 1966-10-01	Renewal was deferred after 1984-11-15 the licence now stands lap- sed after that date.	
5. CM/L-0198754 1969-06-11	Industrial Mineral & Che- mical Co. Pvt. Ltd, Bombay.	IS:1308 1974	S.O. 3018 dated 1967-07-26	Renewal was deferred after 1984-10-31 the licence now stands lapsed after that date.	
6. CM/L 0208428 1979-09-30	-do-	IS:1307-1973	S.O. 4310 dated 1969-10-25	Renewal was deferred after 1984-10-31 the licence now stands lap- sed after that date.	
7. CM/L-0225438 1970-02-16	Rupy Industries, Kanpur	IS:1989(Part I)-1978	S.O. 1235 dated 1970-04-04	Renewal was deferred after 1984-10-31; the licence now stands lapsed after that date.	
8. CM/L-0251227 1971-01-20	Multiweld Wire Co. Pvt. Ltd, Bombay	IS:4948-1979	S.O. 5028 date 1971-11-06	Renewal was deferred after 1984-04-15; the Licence now stands lapsed after that date.	
9. CM/L-0277144 1971-09-16	Industrial Mineral & Chemical Co. Pvt. Ltd., Bombay	IS:3705-1966	S.O. 2403 dated 1972-09-02	Renewal was deferred after 1983-10-31; the licence now stands lapsed after that date.	
10. CM/L-0284545 1971-12-17	Bharat Carpets Ltd, Faridabad.	IS:5884-1970	S.O. 2769-dated 1972-10-07	Renewal was deferred after 1984-06-30; the licence now stands lap- sed after that date.	
11. CM/L-0304525 1972-04-28	British India Rollings., Mills, Howrah	IS:1977-1975	S.O. 815 dated. 1973-03-17	Renewal was deferred after 1984-04-30; the licence now stands lap- sed after that date.	
12. CM/L-0304929 1972-04-28	Shri Gouri Shankar Jute Mills Ltd, Calcutta.	IS:2566-1965	S.O. 815 dated. 1973-03-17	Renewal was deferred after 1982 04-03; the licence now stands lap- sed after that date.	
13. CM/L-0362337 1973-12-06	Bhoruka Steel Limited, Bangalore	IS:6915-1978	S.O. 1603 dated 1975-05-24	Lapsed after 1984-12-31	
14. CM/L-0368955 1974-01-28	Shri Ishar Alloy Steels (P) Ltd, Indore	IS:6914-1975	S.O. 2016 date 1976-06-28	Lapsed after 1985-01-31	
15. CM/L-0369048 1974-01-28	-do-	IS:6915-1978	S.O. 2016 dated 1976-06-28	Lapsed after 1985-01-31	
16. CM/L-0370841 1974-02-16	Rarthi Keya Foundry, Coimbatore.	IS:325-1978	S.O. 2082 dated 1975-07-05	Lapsed after 1985-02-15	

(1)	(2)	(3)	(4)	(5)	(6)
17. CM/L-0383345 1974-05-15	Rallis India Limited, Howrah	IS:632-1978	S.O. 4695 dated 1975-11-01	Renewal was deferred after 1985-01-31 the licence now stands lapsed after that date.	
18. CM/L-0386250 1974-06-28	Venkateswara Pesticides Allied Chemicals (P) Ltd. Mahabubnagar.	IS:561-1978	S.O. 4703 dated 1975-11-01	Renewal was deferred 1984-05-31; the licence now stands lap- sed after that date.	
19. CM/L-0388355 1974-07-15	Crop Health Product Pvt. Ltd., Ghaziabad.	IS:2567-1978	S.O. 459 dated 1976-01-24	Lapsed after 1985-05-15	
20. CM/L-0402727 1974-11-05	Mukund Iron & Steel Works Limited, Kalwe	IS:6914-1978	S.O. 2022 dated 1976-06-19	Renewal was deferred after 1984-05-31; the licence now stands lap- sed after that date.	
21. CM/L-0409135 1974-12-20	Scientific Insecticides Co. Guntur	IS:2567-1978	S.O. 2286 dated 1976-07-03	Lapsed after 1985-03-31	
22. CM/L-0424737 1975-02-26	Amrit Steels Ltd., Ghaziabad	IS:1786-1979	S.O. 2473 date 1976-07-10	Lapsed after 1985-02-28	
23. CM/L-0441333 1975-05-30	Industrial Mineral & Che- mical Co. Pvt. Ltd. Bombay.	IS:6439-1978	S.O. 3623 date 1976-10-16	Renewal was deferred after 1984-10-31 the licence now stands lap- sed after that date.	
24. CM/L-0451134 1975-07-25	Scientific Insecticides Co, Guntur	IS:562-1978	S.O. 3914 dated 1976-10-30	Lapsed after 1985-03-31	
25. CM/L-0473851 1975-10-15	American Spring & Press- ing Ltd, Bombay	IS:3897-1978	S.O. 1148 dated 1977-04-16	Renewal was deferred after 1983-12-31; the licence now stands lap- sed after that date.	
26. CM/L-0474247 1975-10-15	-do-	IS:3634-1982	S.O. 1148 dated 1977-04-16	Renewal was deferred after 1983-12-31; the licence now stands lap- sed after that date	
27. CM/L-0474348 1975-10-15	-do-	IS:1970(Part- II)-1982	S.O. 1148 dated 1977-04-16	Renewal was deferred after 1983-12-31; the licence now stands lap- sed after that date.	
28. CM/L-0474449 1975-10-15	-do-	IS:2870-1977	S.O. 1148 dated 1977-04-16	Renewal was deferred after 1983-12-31; the licence now stands lap- sed after that date.	
29. CM/L-0498766 1976-02-02	Taneja Saw Mills, Yamuna Nagar	IS:10(Pt-III)1974	S.O. 3441 dated 1978-12-02	Lapsed after 1985-03-31	
30. CM/L-0501830 1976-02-20	Ganga Foundry, Coimba- tore	IS:325-1978	S.O. 3441 dated 1978-12-02	Lapsed after 1985-01-31	
31. CM/L-0502125 1976-02-26	Bangalore Pesticides Ltd, Bangalore.	IS:2567-1978	S.O. 3441 dated 1978-12-02	Lapsed after 1985-03-31	

(1)	(2)	(3)	(4)	(5)	(6)
32. CM/L-0510225 1976-03-31	Steel Authority of India, Naini, Allahabad.	IS:1786-1979	S.O. 12 dated 1979-01-06	Renewal was deferred after 1983-03-31; the licence now stands laps- ed after that date.	
33. CM/L-0513837 1976-04-19	Mukund Iron & Steel Works Ltd. Kalwe	IS:8052-1976	S.O. 314 dated 1979-01-27	Renewal was deferred after 1984-05-31; the licence now stands laps- ed after that date.	
34. CM/L-0523234 1976-05-21	Bombay Chemicals Pvt. Ltd. Bombay	IS:4808-1968	S.O. 954 dated 1979-03-17	Renewal was deferred after 1985-01-31; the licence now stands laps- ed after that date.	
35. CM/L-0539754 1976-08-02	Bharat Pesticides Indus - tries Pvt. Ltd. Ahmeda- bad.	IS:633-1975	S.O. 3548 dated 1979-10-20	Renewal was deferred after 1985-03-15; the licence now stands laps- ed after that date.	
36. CM/L-0547349 1976-09-30	Kotecha Brothers, Jam- nagar.	IS:916-1975	S.O. 3549 dated 1979-10-20	Renewal was deferred after 1984-09-15; the licence now stands laps- ed after that date.	
37. CM/L-0582351 1977-01-24	Sharda Inds & Engg. Works (P) Ltd., Nagpur	IS:1977-1975	S.O. 420 dated 1980-02-23	Renewal was deferred after 1984-04-15; the licence now stands laps- ed after that date.	
38. CM/L-0584658 1977-01-24	Industrial Mineral & Che- mical Co. Pvt. Ltd., Bombay	IS:1307-1973	S.O. 420 dated 1980-02-23	Renewal was deferred after 1984-10-31; the licence now stands laps- ed after that date.	
39. CM/L-0585357 1977-01-24	-do-	IS:5281-1979	S.O. 420 dated 1980-02-23	Renewal was deferred after 184-10-31; the licence now stands laps- ed after that date.	
40. CM/L-0585458 1977-01-24	TMCC Pvt Ltd., Bombay	IS:6437-1978	S.O. 420 dated 1980-02-23	Lapsed after 1984-10-31	
41. CM/L-0591857 1977-02-28	Eleccimet Enterprises, Jaipur	IS:916-1975	S.O. 731 dated 1980-03-22	Renewal was deferred after 1985-02-28; the licence now stands laps- ed after that date.	
42. CM/L-0594560 1977-03-21	Bhavnagar Tin Factory, Bhavnagar	IS:916-1975	S.O. 787 dated 1980-03-20	Lapsed after 1985-02-28	
43. CM/L-0609244 1977-05-13	Sartaj Industries, Delhi.	IS:419-1969	S.O. 283 dated 1981-01-24	Renewal was deferred after 1984-05-15; the licence now stands laps- ed after that date.	

(1)	(2)	(3)	(4)	(5)	(6)
44. CM/L-0610330 1970-05-16	Anjaneya Industries South Kala massery, Distt. Ernakulam	IS:398 (Pt. I)—1976	S.O. 283 dated 1981-01-24	Renewal was deferred after 1983-05-15; the licence now stands lapsed after that date.	
45. CM/L-0621840 1977-06-30	Standards Engg Co Pendesara	IS:4246-1984	S.O. 284 dated 1981-01-24	Renewal was deferred after 1979-06-30; the licence now stands lap- sed after that date.	
46. CM/L-0664050 1978-01-06	Auto Ignition (P) Ltd., Faridabad	IS:2325-1963	S.O. 1615 dated 181-05-30	Renewal was deferred after 1985-01-15; the licence now stands lap- sed after that date.	
47. CM/L-0668361 1978-01-24	Naffarchandra Jute Mills Ltd., Calcutta.	IS:2818(Pt- II)—1974	S.O. 1615 dated 1981-05-30	Lapsed after 1985-01-15	
48. CM/L-0668563 1978-01-24	-do-	IS:7404(Pt- II)—1980	S.O. 1615 dated 1981-05-30	Lapsed after 1985-01-15	
49. CM/L-0673253 1978-01-31	Raipur Metal Products Ltd., Raipur	IS:1660-(Pt- I & II)—1977	S.O. 1615 dated 1981-05-30	Renewal was deferred after 1984-01-31; the licence now stands lap- sed after that date.	
50. CM/L-0698774 1978-04-28	Consolidate Pneumatic Tools Company, Bombay	IS:2148-1968	S.O. 1725 dated 1981-06-13	Lapsed after 1985-04-30	
51. CM/L-0771538 1978-07-17	Voltas Limited, Thane	IS:2148-1968	S.O. 2176 dated 1981-08-15	Lapsed after 1985-04-15	
52. CM/L-0716851 1978-08-16	Bajoria Coating Inds., (P) Ltd., Calcutta	IS:3550-1976	S.O. 2180 dated 1981-08-15	Renewal was deferred after 1980-08-31; the licence now stands lap- sed after that date.	
53. CM/L-0722947 1978-09-18	Aluminium Udyog, Raipur	IS:737-1974	S.O. 2215 dated 1981-08-22	Renewal was deferred after 1984-09-30; the licence now stands laps- ed after that date.	
54. CM/L-0738053 1978-11-30	Scientific Insecticides Co., Guntur	IS:633-1975	S.O. 2270 dated 1981-08-29	Renewal was deferred after 1984-12-15; the licence now stands laps- ed after that date.	
55. CM/L-0748864 1979-01-19	Elmech Capacitors Ltd., Malapuram	IS:2834-1981	S.O. 2277 dated 1981-08-29	Lapsed after 1985-01-31	
56. CM/L-0755659 1979-02-24	K.C.M., Ltd., Jamnagar	IS:2924-1974	S.O. 2310 dated 1981-09-05	Lapsed after 1985-02-28	
57. CM/L-0759263 1979-03-05	Jay Industries, Mandi, Gobindgarh	IS:226-1975	S.O. 2585 dated 1981-10-03	Renewal was deferred after 1984-06-15; the licence now stands lap- sed after that date.	
58. CM/L-0768971 1979-04-02	M.P. Udyog Ltd., Kanpur.	IS:1977-1975	S.O. 2974 dated 1981-10-31	Lapsed after 1985-04-15	

(1)	(2)	(3)	(4)	(5)	(6)
59. CM/L-0803947 1979-09-28	Metal Craft, Jammu Cantt.	IS:3906(Pt- I)—1982	S.O. 1772 dated 1982-05-15	Renewal was deferred after 1983-10-15; the licence now stands lap- sed after that date.	
60. CM/L-0806852 1979-10-17	Laxmi Industries, Kolha- pur.	IS:325-1978	S.O. 1771 dated 1982-05-15	Renewal was deferred after 1984-10-31; the licence now stands laps- ed after that date.	
61. CM/L--0819154 1979-11-30	Steel Tubes of India Ltd., Dewas	IS:1161-1968	S.O. 1832 dated 1982-05-22	Renewal was deferred after 1983-12-16; the licence now stands laps- ed after that date.	
62. CM/L-0840953 1980-02-27	Naffarchandra Jute Mills Ltd., Calcutta	IS:2874-1964	S.O. 3445 dated 1982-10-02	Lapsed after 1985-01-15	
63. CM/L-0874364 1980-06-12	Dibang Valley Timber Trade Pvt Ltd., Calcutta	IS:10(Pt-II) 1976	S.O. 4459 dated 1983-12-10	Renewal was deferred after 1984-06-30; the licence now stands laps- ed after that date.	
64. CM/L-0875568 1980-06-13	Shree Gouri Shankar Jute Mills Ltd., Calcutta	IS:1943-1964	S.O. 4459 dated 1982-12-10	Renewal was deferred af- ter 1982-04-30; the licence now stands laps- ed after that date.	
65. CM/L-0875770 1980-06-17	Haryana Chemicals & Pesticides, Bahadurgarh	IS:3903-1975	S.O. 4459 dated 1983-12-10	Renewal was deferred after 1984-08-31; the licence now stands laps- ed after that date.	
66. CM/L-0890463 1980-08-19	National Screw & Wire Products, Ltd., West Bengal	IS:398(Pt- II)—1976	S.O. 4531 dated 1983-12-17	Renewal was deferred after 1983-08-15; the licence now stands lap- sed after that date.	
67. CM/L-0898479 1980-09-12	Trivendrum Spinning Miils Ltd., Trivendrum	IS:171-1973	S.O. 4614 dated 1983-12-24	Renewal was deferred after 1984-09-30; the licence now stands lapsed after that date.	
68. CM/L-0900137 1980-09-23	Modern Chemicals, Shimoga	IS:502-1978	S.O. 4614 dated 1983-12-24	Renewal was deferred after 1983-09-30; the licence no stands laps ed after that date.	
69. CM/L-0913752 1980-11-20	American Spring & Press- ing Ltd., Bombay	IS:7593-1975	S.O. 644 dated 1983-03-03	Renewal was deferred after 1983-12-31; the licence now stands laps- ed after that date.	
70. CM/L-0917659 1980-11-28	Bir Engg. Works, Jalandhar	IS:909-1975	S.O. 640 dated 1984-03-03	Renewal was deferred after 1983-12-15; the licence now stands laps- ed after that date.	
71. CM/L-0925658 1980-12-24	South India Steel & Starch Industries, Salem	IS:226-1975	S.O. 1591 dated 1984-05-12	Lapsed after 1984-12-31	
72. CM/L-0929262 1980-12-31	Manga Hardtep Ltd., Medak Distt	IS:2507-1975	S.O. 1591 dated 1984-05-12	Renewal was deferred after 1985-01-5; the licence now sands laps- ed after that date.	

(1)	(2)	(3)	(4)	(5)	(6)
73. CM/L-0937968 1981-01-31	Alcomp Industries, Virudhunagar	IS:204 (Pt- II)—1978	S.O. 1830 dated 1984-06-09	Renewal was deferred after 1984-0-15; the licence now stands lapsed after that date.	
74. CM/L-0939568 1981-02-06	Toshiba Anand Batteries Ltd., Kalamassery	IS:9128-1979	S.O.4241 dated 1984-12-08	Renewal was deferred after 1984-02-15; the licence now stands laps- ed after that date.	
75. CM/L-0945361 1981-02-21	Bharat Pulverising Mills Pvt. Ltd., Bombay	IS:565-1975	S.O. 4241 dated 1984-12-08	Renewal was deferred after 1984-02-29; the licence now stands laps- ed after that date.	
76. CM/L-0951154 1981-03-10	Keen Pesticides Pvt. Ltd., Ankleshwar	IS:8960-1978	S.O. 320 dated 1985-01-26	Renewal was deferred after 1985-03-15; the licence now stands laps- ed after that date.	
77. CM/L-0967270 1981-05-01	Govind Cable Industries. Delhi.	IS:694-1977	S.O. 326 dated 1985-01-26	Lapsed after 1985-05-15	
78. CM/L-0968171 1981-05-11	Bhartiya Ispat Udyog Pvt. Ltd., Patna	IS:1977-1975	S.O. 326 dated 1985-01-26	Renewal was deferred after 1984-05-31; the licence now stands las- ed after that date.	
79. CM/L-0976473 1981-06-12	Chetana Pulverising Mills Guntar Distt.	IS:4323-1980	S.O. 505 dated 1985-02-09	Renewal was deferred after 1984-06-30; the licence no stands laps- ed after that date.	
80. CM/L-0983167 1981-07-22	Hind Steels, Belgaum	IS:6750-1972	S.O. 749 dated 1985-02-23	Renewal was deferred after 1984-07-31; the licence now stands laps- ed after that date.	
81. CM/L-0085474 1981-07-30	Sunhome Cable Inds., Chandigarh	IS:2465-1960	S.O. 749 dated 1985-02-23	Renewal was deferred after 1984-08-15; the licence now stands lapsed after that date.	
82. CM/L-0987983 1981-08-18	Adarsh Steels Pvt. Ltd. Chambaghat, Solan	IS:1786-1979	S.O. 747 dated 1985-02-23	Renewal was deferred after 1984-08-31; the licence not stands laps- ed after that date.	
83. CM/L-0999990 1981-09-30	Annapurna Pulverising Mills Eluru (A.P.)	IS:8259-1976	S.O. 1015 dated 1985-03-09	Renewal was deferred after 1914-10-15, the licence no stands laps- ed after that date.	
84. CM/L-1001108 1981-10-03	Sureka Steels Ltd., Calcutta	IS:1786-1976	S.O. 1014 dated 1985-03-09	Renewal was deferred after 1984-10-16; the licence not stands laps- ed after that date.	
85. CM/L-1001209 1981-10-13	Sureka Steels Ltd, Calcutta	IS:226-1975	S.O. 1014 dated 1983-03-09	Renewal was deferred after 1984-10-16; the licence now stands lapsed after that date.	
86. CM/L-1005419 1981-10-31	Doorvani Cables Pvt. Ltd., Bangalore	IS:2465-1969	S.O. 1014 dated 1985-03-09	Renewal was deferred after 1984-11-15; the licence now stands laps- ed after that date	

(1)	(2)	(3)	(4)	(5)	(6)
87. CM/L-1010917 1981-11-19	Forest Industries & Allied Products, Cochin	IS:10 (Part- II)—1975	S.O. 1016 dated 1985-03-09	Renewal was deferred after 1984-11-30; the licence now stands lapsed after that date.	
88. CM/L-1011818 1981-11-20	United Moulding Works, Ranchi	IS:6664-1974	S.O. 1016 dated 1985-03-09	Renewal was deferred after 1983-11-30; the licence now stands lapsed after that date.	
89. CM/L-1015927 1981-12-03	Indian Surgical Mfg. Co. Amravati	IS:758-1975	S.O. 1021 dated 1985-03-09	Renewal was deferred after 1983-12-15; the licence now stands lapsed after that date.	
90. CM/L-1016626 1981-12-10	Sathe Biscuits & Chocolate Co. Pvt. Ltd., Poona	IS:6762— 1979	S.O. 1021 dated 1985-03-09	Renewal was deferred after 1985-03-31; the licence now stands lapsed after that date	
91. CM/L-1018630 1981-12-11	Niki Wire Works, Ranchi	IS:280 1978	S.O. 1021 dated 1985-03-09	Lapsed after 1983-12-15	
92. CM/L-1021821 1981-12-24	Gujarat State Co-operative Marketing Federation Ltd., Ahmedabad	IS:633 1975	S.O. 1021 dated 1985-03-09	Renewal was deferred after 1984-12-31; the licence now stands lapsed after that date.	
93. CM/L-1033525 1982-01-29	Rajasthan Synthetic Indus. Jaipur.	IS:4985 1981	S.O. 1295 dated 1985-03-30	Lapsed after 1985-02-15.	
94. CM/L-1037533 1982-02-12	Oswal Electrical Conductors, Jaipur	IS:398 (Part-II)— 1976	S.O. 1397 dated 1985-04-06	Renewal was deferred after 1985-02-28; the licence now stands lapsed after that date.	
95. CM/L-1037634 1982-02-12	-do-	IS : 398 (Part-I) 1976	S.O. 1397 dated 1985-04-06	Renewal was deferred after 1985-02-28; the licence now stands lapsed after that date.	
96. CM/L-1038030 1982-02-16	Mahasati Rolling Mills, Calcutta	IS : 1786 1979	S.O. 1397 dated 1985-04-06	Renewal was deferred after 1984-02-28; the licence now stands lapsed after that date.	
97. CM/L-1043629 1982-02-26	Electrical Appliances, Bhagalpur	IS:398 (Part-I) 1976	S.O. 1397 dated 1985-04-06	Renewal was deferred after 1983-03-15; the licence now stands lapsed after that date.	
98. CM/L-1048740 1982-03-08	Topcon Condenser, Com- pany, Ludhiana	IS : 2834 1964	S.O. 1406 dated 1985-04-06	Renewal was deferred after 1984-03-15; the licence now stands lapsed after that date.	

1	2	3	4	5	6
99. CM/L-1050323 1982-03-08	National Screw & Wire Products Ltd, West Bengal	IS : 398 (Part I)— 1976	S.O. 1406 dated 1985-04-06	Renewal was deferred after 1983-03-16; the licence now stands lapsed after the date.	
100. CM/L-1059644 1982-03-23	Assam Bengal Veneer Inds. Pvt. Ltd., Calcutta	IS : 10 (Part-III)— 1974	S.O. 1406 dated 1985-04-06	Renewal was deferred after 1984-03-31; the licence now stands lapsed after that date.	
101. CM/L-1067946 1982-04-15	Jaisal Agril Works Moga	IS :9020—1979	S.O. 1635 dated 1985-04-20	Renewal was deferred after 1984-04-15; the licence now stands lapsed after that date.	
102. CM/L-1068443 1982-04-15	Punjab Agricultural Machinery Works, Moga	IS : 9020— 1979	S.O. 1635 dated 1985-04-20	Renewal was deferred after 1984-04-15; the licence now stands lapsed after that date.	
103. CM/L-1069546 1982-04-15	Kalsi Engg. Works, Moga	IS : 9020— 1979	S.O. 1635 dated 1985-04-20	Renewal was deferred after 1984-04-15; the licence now stands lapsed after that date.	
104. CM/L-1071331 1982-04-21	Northern Minerals Pvt. Ltd., Gurgaon	IS : 2568— 1978	S.O. 1635 dated 1985-04-20	Renewal was deferred after 1984-05-31; the licence now stands lapsed after that date.	
105. CM/L-1075137 1982-05-04	Barauni Wax Products Pvt. Ltd., Begusarai	IS : 4654— 1974	S.O. 3996 dated 1985-08-24	Renewal was deferred after 1984-05-15; the licence now stands lapsed after that date.	
106. CM/L-1076947 1982-05-08	Larsvin Engineers (P) Ltd. Hyderabad	IS : 3196— 1982	S.O. 3996 dated 1985-08-24	Renewal was deferred after 1984-05-15; the licence now stands lapsed after that date.	
107. CM/L-1087043 1982-06-04	Non-Mollar Industrial Corporation Madras	IS : 4246—1984 1984	S.O. 5593 dt. 1985-12-14	Renewal was deferred after 1984-06-15 the licence now stands lapsed after that date.	
108. CM/L-1091943 1982-06-17	Anjaneya Industries, South Kalamassary, Distt. Ernakulam	IS : 398 (Part II) —1976	S.O. 5598 dated 1985-12-14	Renewal was deferred after 1983-06-30; the licence now stands lapsed after that date.	
109. CM/L-1096246 1982-06-30	Premier Tools & Acces- sories, Ratlam	IS : 778— 1971	S.O. 5598 dated 1985-12-14	Renewal was deferred after 1983-07-15; the licence now stands lapsed after that date.	

1	2	3	4	5	6
110.	CM/L-1105423 1982-08-03	Jindal Pipes Ltd., Ghaziabad	IS : 4985— 1981	S.O. 355 dated 1986-02-01	Renewal was deferred after 1984-07-31; the licence now stands lapsed after that date.
111.	CM/L-1110214 1982-08-21	Prem Khalsa Iron & Steel Rolling Mills, Mandi Gobindgarh	IS : 226— 1975	S.O. 355 dated 1986-02-01	Renewal was deferred after 1984-08-31; the licence now stands lapsed after that date.
112.	CM/L-1121724 1982-09-30	B.R. Wires Pvt. Ltd., Dombivli	IS : 280— 1978	S.O. 362 dated 1986-02-10	Renewal was deferred after 1983-10-15; the licence now stands lapsed after that date.
113.	CM/L-1126734 1982-10-22	Shri-Shankar Industries, Bhopal	IS : 9020— 1979	S.O. 495 dated 1986-02-08	Renewal was deferred after 1983-10-15; the licence now stands lapsed after that date.
114.	CM/L-1127837 1982-10-22	Deora Pu Cabcon Mfg. Co. Ltd., Indore	IS : 398 (Part-II)— 1976	S.O. 495 dated 1986-02-08	Lapsed after 1984-11-15.
115.	CM/L-1130927 1982-11-10	Tungabhadra Steel Products Ltd., Tungabhadra Dam	IS : 1726 (Part-IV)— 1974	S.O. 663 dated 1986-02-22	Renewal was deferred after 1984-11-15; the licence now stands lapsed after that date.
116.	CM/L-1145637 1982-12-23	Electro Link Industries, Rewa (MP)	IS : 398 (Part-I)— 1976	S.O. 1154 dated 1986-03-22	Renewal was deferred after 1983-12-31; the licence now stands lapsed after that date.
117.	CM/L-1146841 1982-12-30	Prakash Industries, Bhopal	IS : 9020— 1979	S.O. 1154 dated 1986-03-22	Renewal was deferred after 1983-12-31; the licence now stands lapsed after that date.
118.	CM/L-1146942 1982-12-30	Ashok Engg. Works, Bhopal	IS : 9020— 1979	S.O. 1154 dated 1986-03-22	Renewal was deferred after 1983-12-31; the licence now stands lapsed after that date.
119.	CM/L-1149342 1983-01-07	Friends Own Foundry & Workshop, Ludhiana	IS : 9020— 1979	S.O. 1480 dated 1986-04-12	Renewal was deferred after 1984-01-15; the licence now stands lapsed after that date.
120.	CM/L-1156036 1983-01-27	Surendra Industrial Corporation, Delhi	IS : 35 — 1975	S.O. 1480 dated 1986-04-12	Renewal was deferred after 1985-01-31; the licence now stands lapsed after that date.
121.	CM/L-1161736 1983-02-11	Shashi Steels Pvt. Ltd., Calcutta	IS : 226— 1975	S.O. 1892 dated 1986-05-10	Renewal was deferred after 1984-02-28; the licence now stands lapsed after that date.

1	2	3	4	5	6
122.	CM/L-1162637 1983-02-11	National Rolling & Steel Ropes Ltd., 24, Parganas	IS : 279 -- 1981	S.O. 1892 dated 1986-05-10	Renewal was deferred after 1985-02-28; the licence now stands lapsed after that date.
123.	CM/L-1164641 1983-02-18	Western Electronics, Jodhpur	IS : 4031 -- 1968	S.O. 1892 dated 1986-05-10	Renewal was deferred after 1984-02-28; the licence now stands lapsed after that date.
124.	CM/L-1165138 1983-02-17	-do-	IS : 516 -- 1959	S.O. 1892 date 1986-05-10	Renewal was deferred after 1984-02-28; the licence now stands lapsed after that date.
125.	CM/L-1168952 1983-03-03	B.T. Conductors Pvt. Ltd), Beawar	IS : 398 (Part II)--1976	S.O. 2414 dated 1986-06-28	Lapsed after 1985-03-31
126.	CM/L-1175444 1983-03-21	Hyderabad Chemical Sup- plies (P) Ltd., Hyderabad	IS : 2567 1978	S.O. 2414 dated 1986-06-28	Lapsed after 1985-03-31
127.	CM/L-1189859 1983-05-18	Sawan Mal [Shibu Mal steel re-rolling Mills, Mandi- Gobindgarh	IS : 1786 -- 1979	S.O. 2506 dated 1986-07-12	Renewal was deferred after 1984-05-31; the licence now stands lapsed after that date.
128.	CM/L-1201924 1983-06-21	Kamalam Pesticides, Kulpirai	IS:516-1978	S.O.2790 dated 1986-08-09	Renewal was deferred after 1984-06-30 the licence now stands lapsed after that date
129.	CM/L-1227134 1983-08-11	Bilva Pressure Vessels(P) Ltd, Hyderabad	IS:3196-1982	S.O.2889 dated 1986-08-16	Renewal was deferred after 1984-08-15; the licence now stands lapsed after that date.
130.	CM/L-1228540 1983-08-17	Gautam Rolling Mills, Hyderabad	IS:226-1975	S.O. 2889 dated 1986-08-16	Renewal was deferred after 1984-08-31 the licence now stands lapsed after that date.
131.	CML/1238442 1983-09-29	B.T. Conductors Pvt. Ltd., Beawar	IS:378 (Part-I)-1976	S.O.3101 dated 1986-09-13	Renewal was deferred after 1984-10-15; the licence now stands lapsed after that date.
132.	CM/L.1243233 1983-10-25	Romer & Co.(India), Lucknow	IS:1333-1978	S.O.3325 dated 1986-09-27	Renewal was deferred after 1984-10-31; the licence now stands lapsed after that date.
133.	CM/L-1246138 1983-11-01	Electrical Switchgears (P) Ltd., Jalandhar (Punjab)	IS:4246- 1984	S.O.3511 dated 1986-10-11	Renewal was deferred after 1984-10-31; the licence now stands lapsed after that date
134.	CM/L-1269453 1984-01-19	Bharat Pulverising Mills Pvt Ltd, Bombay	IS:8498- 1977	S.O.3794 dated 1986-11-08	Renewal was deferred after 1985-01-31; the licence now stands lapsed after that date
135.	CM/L-1276450 1984-02-03	Gurdiyal Singh & Sons, Shivpuri (Bhopal)	IS:9020- 1979	S.O.3793- dated 1986-11-08	Lapsed after 1985-01-31

(1)	(2)	(3)	(4)	(5)	(6)
136.	CM/L-1277351 1984 02 13	Choudhari Metal Inds (P) Ltd, Faridabad	IS:2465- 1969	S.O.3793 dated 1986 11 08	Renewal was deferred after 1985 02 15; the licence now stands lapsed after that date
137.	CM/L-1277553 1984 02 13	Sterlite Cables Ltd, Thane	IS:398 (Part-II) 1976	S.O.3793 dated 1986 11 08	Lapsed after 1985 02 28
138.	CM/L-1277654 1984 02 13	Eastern Steel & Alloy Co. Ltd, Calcutta	IS:6914- 1978	S.O.3793 dated 1986 11 08 1978	Renewal was deferred after 1985 02 28; the licence now stands lapsed after that date
139.	CM/L-1277755 1984 02 13	-do-	IS:6915- 1978	S.O.3793 dated 1986 11 08	Renewal was deferred after 1985 02 28 the licence now stands lapsed after that date
140.	CM/L-1278151 1984 02 13	S.S.R. Glass Industries, Noida	IS 1223 (Election I) 1982	S.O.3793 dated 1986 11 0	Renewal was deferred after 1985 02 15; the licence now stands lapsed after that date
141.	CM/L-1277860 1984 02 15	Parkash Re-rolling Mills, Patna	IS:226-1975	S.O.3793 dated 1986 11 08	Lapsed after 1985 02 28
142.	CM/L-1280037 1984 02 15	Crowley & Ray, (Founders & Engineers) Pvt Ltd, Calcutta	IS:1538 (Part XIX)- 1976	S.O.3793 dated 1986 11 08	Lapsed after 1985 02-28
143.	CM/L-1300118 1984 03 23	LVR Feeds & Minerals Pvt Ltd, Madras	IS:2052- 1979	S.O.3976 dated 1986 01 29	Lapsed after 1985 03 31
144.	CM/L-1302122 1984 03 28	Gurunnanak Agricul- tural Inds, Khurja	IS:9020- 1979	S.O. 3976 dated 1986 11 29	Lapsed after 1985 03 31

[No. CMD/13: 14]

नई दिल्ली, 10 अगस्त 1990

क्र.मा. 2351.—भारतीय मानक ब्यूरो (प्रभाग) विनियम, 1988 के विनियम 5 के उपविनियम (6) के अनुसरण में भारतीय मानक ब्यूरो एतद्वारा अधिसूचित करता है कि जिस/जिन लाइसेंस (बनों) का/के विवरण नीचे दिया गया है वह उसके सामने ही गई तिथि से रद्द कर दिया गया है।

अनुसूची

क्र.सं.	लाइसेंस संख्या तथा विभाग	लाइसेंसधारी का नाम व पता	रद्द लाइसेंस के प्रत्यर्पित वस्तु प्रक्रम तथा सम्बद्ध भारतीय मानक	रद्द किये जाने की तारीख
(1)	(2)	(3)	(4)	(5)
1.	सीएम/एल-0802743	मै० भारती मिनरल्स (पेस्टीसाइड्स डिविजन) 15/7 मथुरा रोड, फरीदाबाद 121003	बी एस सी (एस सी एस) सुरकन छूँण IS : 561-1974	22 मार्च 1990

[सं० क्र. प्र. वि./55: 0802743]
एस. सुब्रह्मण्यन, अपर महानिदेशक

New Delhi, the 10th August, 1990

S.O. 2351.—In pursuance of sub-regulation (6) of regulation 5 of the Bureau of Indian Standard (Certification) Regulation 1988, the Bureau of Indian Standards hereby notifies that the licence(s) particulars of which is/are given below has/have been cancelled with effect from the date indicated:

SCHEDULE

Licence No. (CM/L-)	Name and Address of the licensee	Article/Process with relevant Indian Standard covered by the licence cancelled	Date of Cancellation
1	2	3	4
0802743	M/s Artee Minerals (Pesticides Division) 15/7, Mathura Road Faridabad-121003	BHC (HCH) Dusting Powders— IS : 561—1978	22 March, 1980

[No. CMD/55 : 0802743]

S. SUBRAHMANYAN, Additional Director General

उद्योग मंत्रालय

(सधु उद्योग तथा कृषि और ग्रामीण उद्योग विभाग)

नई दिल्ली, 24 अगस्त, 1990

का.आ. 2352 : केन्द्रीय सरकार, सरकारी स्थान (अप्राधिकृत अधिभोगियों की बेदखली) अधिनियम, 1971 (1971 का 40) की धारा 3 द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए और भारत के राजपत्र भाग 2, खंड 3 उपखंड (II) तारीख 29 नवम्बर, 1980 में प्रकाशित भारत सरकार के उद्योग मंत्रालय की अधिसूचना का.आ.सं. 3285 तारीख 10 नवम्बर, 1980 को उन बातों के सिवाय अधिक्रान्त करते हुए, जिन्हें ऐसे अधिक्रमण से पहले किया गया है या करने का लोप किया गया है, नीचे की सारणी के स्तम्भ 1 में उल्लिखित अधिकारी को जो सरकार के राजपत्रित अधिकारी के समतुल्य रैंक का अधिकारी है, उक्त अधिनियम के प्रयोजन के लिए सम्पदा अधिकारी नियुक्त करती है और यह भी निर्देश देती है कि उक्त सम्पदा अधिकारी, उक्त सारणी के स्तम्भ 2 में विनिर्दिष्ट सरकारी स्थानों के प्रवर्गों की बाबत अपनी अधिकारिता की सीमाओं के भीतर उक्त अधिनियम द्वारा या उसके अधीन सम्पदा अधिकारियों को प्रदत्त शक्तियों का प्रयोग और उन पर अधिरोपित कर्तव्यों का निर्वहन करेगा अर्थात् :-

सारणी

अधिकारी का पदाभिधान सरकारी स्थानों के प्रवर्ग और अधिकारिता की स्थानीय सीमाएं

महाप्रबन्धक, चण्डीगढ़ औद्योगिक और पर्यटन विकास निगम लिमिटेड, चण्डीगढ़।	चण्डीगढ़ जिले की राजस्व सीमा के भीतर स्थित चण्डीगढ़, औद्योगिक और पर्यटन विकास निगम लिमिटेड के सभी स्थान अथवा उसके द्वारा या उसकी ओर से पदों पर लिए गए या उनके प्रशासनिक निबन्धन के अधीन सभी स्थान।
--	--

[फा. सं. 18/4/90 एस. एस. आई. (पी.)]
पूर्ण सिंह, श्रवर सचिव

MINISTRY OF INDUSTRY

(Department of Small Scale Industries & Agro
and Rural Industries)

New Delhi, the 24th August, 1990

S.O. 2352.—In exercise of the powers conferred by Section 3 of the Public Premises (Eviction of Unauthorised Occupants) Act, 1971 (40 of 1971), and in supersession of the notification of the Government of India, in the Ministry of Industry, S.O. No. 3285, dated the 10th November, 1980,

published in the Gazette of India, Part II, Section 3, Sub-section (ii), dated 29th November, 1980, except as respects things done or omitted to be done before such supersession, the Central Government hereby appoints the officer mentioned in column 1 of the Table below, being equivalent in rank to a gazetted officer of Government, to be estate officer

for the purposes of the said Act, and further directs that the said estate officer shall exercise the powers conferred and perform the duties imposed on, estate officers by or under the said Act, within the limits of his jurisdiction in respect of the categories of public premises specified in column (2) of the said Table, namely :—

TABLE

Designation of the Officer	Categories of public premises and local limits of Jurisdiction
1	2
General Manager, Chandigarh Industrial and Tourism Development Corporation Limited, Chandigarh.	All premises belonging to, or taken on lease by, or on behalf of or under the administrative control of the Chandigarh Industrial and Tourism Development Corporation Limited situated within the revenue limit of Chandigarh District.

[F. No. 18(4)/90-SSI(P)]

PURAN SINGH, Under Secy.

पर्यावरण और वन मंत्रालय
(पर्यावरण, वन तथा वन्यजीव विभाग)
नई दिल्ली, 26 जुलाई, 1990

का. आ. 2353 केन्द्र सरकार एतद्वारा डा. सी. कुण्डराय के पद से त्यागपत्र देने के परिणामस्वरूप डा. एस. अब्दुल रहमान को पशु क्रूरता पर रोक अधिनियम, 1960 की धारा 5 (1) (म) के तहत भारतीय पशु कल्याण बोर्ड का सदस्य मनोनीत करती है।

[सं. 26-104/90-वन्यजीव-1]
एस. सी. शर्मा, संयुक्त निदेशक, (वन्यजीव)

MINISTRY OF ENVIRONMENT & FORESTS
(Department of Environment, Forests & Wildlife)
New Delhi, the 26th July, 1990

S.O. 2353.—The Central Government hereby nominates Dr. S. Abdul Rahman as member of the Animal Welfare Board of India under section 5(1)(c) of the Prevention of Cruelty to Animals Act, 1960, vice Dr. C. Krishna Rao, resigned.

[No. 26-104/90-WEL-1]
S. C. SHARMA, Jt. Director (WL)

ऊर्जा मंत्रालय
(विद्युत विभाग)
नई दिल्ली, 23 जुलाई, 1990

का. आ. 2354 केन्द्रीय सरकार, पंजाब पुनर्गठन अधिनियम, 1966 (1966 का 31) की धारा 80 की उपधारा (5) के अनुसरण में, व्यास संचरण लाइन परियोजना यूनिट-I

प्रक्रम-2 के निम्नलिखित संवटकों को, जिनके संबंध में निर्माण पूरा हो गया है, उक्त अधिनियम की धारा 79 के अधीन गठित भादड़ा व्यास प्रबंध बोर्ड को प्रारित करना है, अर्थात् :—

(1) 400 के. बी. एकल परिवर्ध डेर-भिवानी लाइन (312 किलोमीटर)।

(2) भिवानी लाइन के नियंत्रण के लिए डेर स्विचयार्ड पर 400 के. बी. विस्तार दे।

(3) 400 के. बी. सब स्टेशन भिवानी ज़िमें निम्न-लिखित समाविष्ट हैं 400/220 के. बी. 500 एम. बी. ए. ट्रांसफार्मर बैंक सहित एक सिंगल फेज 400/220 के. बी., 166.7 एम. बी. ए. आपातयोगी ट्रांसफार्मर, दो 400 के. बी. 50 एम. बी. ए. ग्रार. जंट रिपेक्टर-एक स्विच और एक लाइन से मीधे जुड़ा हुप, 220 के. बी. स्विचयार्ड के साथ 7वे (2 हिमर, 3 दादरी, 1 ट्रांसफार्मर और 1 बन कपलर) और 132 के. बी. स्विचयार्ड के साथ 2 संख्या में 132/11 के. बी. 4 एम. बी. ए. ट्रांसफार्मर और सहायक प्रदाय के लिए 200 के. बी. ए. डीजल जनरेट सेट और सब स्टेशन तथा कालोनी के सिविल सन्निर्माण।

(4) 220 के. बी. डी. सी. हिवार-दादरी लाइन भिवानी पर विभागीकृत करने के लिए 22 के. बी. डबल सर्किट लूप-लाइन और लूप आऊट लाइनें।

(5) 400 के. बी. सब स्टेशन भिवानी पर 132 के. बी. भिवानी सर्किट हावी-भिवानी लाइन का लाइन और लूप-आऊट।

(6) नई 220 के. वी. डबल सर्किट भिवानी दादरी लाइन (34.7 किलोमीटर) एक सर्किट।

(7) 220 के. वी. डी. सी. भिवानी दादरी लाइन का पहला सर्किट के लिए 220 के. वी. सब स्टेशन दादरी पर अतिरिक्त 1 संयोजक बें।

[फा. सं. 1/4/90 डी (बी एंड बी)]

बी. के. खन्ना, संयुक्त सचिव

MINISTRY OF ENERGY

(Department of Power)

New Delhi, the 23rd July, 1990

S.O. 2354.—In pursuance of sub-section (5) of Section 80 of the Punjab Reorganisation Act 1966 (31 of 1966), the Central Government hereby transfers the following components of the Beas Transmission Line Project, Unit-I, Stage-II, in relation to which the construction has been completed to the Bhakra Beas Management Board constituted under Section 79 of the said Act. namely :—

- (1) 400 KV Single Circuit Dehar-Bhiwani Line (312 Km.).
- (2) 400 KV Extension Bays at Dehar Switchyard for controlling Bhiwani Line.
- (3) 400 KV Sub-Station Bhiwani comprising 400/220 KV 500 MVA Transformer Bank alongwith one single Phase 400/200 KV, 166.7 MVA, standby transformer, 2 Nos. 400 KV 50 MVAR Shunt Reactors—one switched and one directly connected to line 220 KV Switchyard with 7 bays (2 Hissar, 3 Dadri, 1 transformer and 1 Bus Coupler) and 132 KV Switchyard alongwith 2 Nos. 132/11 KV 4 MVA Transformers and 200 KVA Diesel Generating set for auxiliary power supply and Civil Works of sub-station and colony.
- (4) 220 KV Double Circuit Loop-in and Loop-out lines for sectionalising 220 KV D.C. Hissar-Dadri line at Bhiwani.
- (5) Loop-in and Loop-out of 132 KV Single Circuit Hansi-Bhiwani line at 400 KV S/S Bhiwani.
- (6) New 220 KV Double Circuit Bhiwani-Dadri Line (34.7 Km.) one circuit.
- (7) Additional I No. Bay at 220 KV S/Station, Dadri for 1st Circuit of 220 KV D.C. Bhiwani-Dadri Line.

[F. No. 1/4/90-D(B&B)]

V. K. KHANNA, Jt. Secy.

पेट्रोलियम और प्राकृतिक गैस मंत्रालय

नई दिल्ली, 17 अगस्त, 1990

का. आ. 2355 यतः पेट्रोलियम और खनिज पाइनलाइन भूमि में उपयोग के अधिकार का अर्जन अधिनियम, 1962 (1962 का 50) की धारा 3 की उपधारा (1) के अधीन भारत सरकार के पेट्रोलियम और प्राकृतिक गैस मंत्रालय की अधिसूचना का. आ. सं. 775 तारीख 27-2-90 द्वारा केन्द्रीय सरकार ने उस अधिसूचना से संलग्न अनुसूची में विनिर्दिष्ट भूमियों में उपयोग के अधिकार को पाइपलाइनों को बिछाने के लिए अर्जित करने का अपना आशय घोषित कर दिया था।

और यतः सक्षम प्राधिकारी ने उक्त अधिनियम की धारा 6 की उपधारा (1) के अधीन सरकार को रिपोर्ट दे दी है।

और आगे, यतः केन्द्रीय सरकार ने उक्त रिपोर्ट पर विचार करने के पश्चात इस अधिसूचना से संलग्न अनुसूची में विनिर्दिष्ट भूमियों में उपयोग का अधिकार अर्जित करने का विनिश्चय किया है।

अब, अतः उक्त अधिनियम की धारा 6 की उपधारा (1) द्वारा प्रदत्त शक्ति का प्रयोग करते हुए केन्द्रीय सरकार एतद्वारा घोषित करती है कि इस अधिसूचना से संलग्न अनुसूची में विनिर्दिष्ट उक्त भूमियों में उपयोग का अधिकार पाइपलाइन बिछाने के प्रयोजन के लिए एतद्वारा अर्जित किया जाता है।

और आगे उस धारा की उपधारा (4) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए केन्द्रीय सरकार निर्देश देती है कि उक्त भूमियों में उपयोग का अधिकार केन्द्रीय सरकार में निहित होने की बजाय तब और प्राकृतिक गैस आयोग में, सभी बाधाओं से मुक्त रूप में, घोषणा के प्रकाशन की इस तारीख को निहित होगा।

अनुसूची

जी. जी. एस. 11 से टेप आफ बिन्दु चांद खेड़ा तक पाइप लाइन बिछाने के लिए।

राज्य - गुजरात जिला व तालुका - गांधीनगर

गांव	ब्लॉक नं.	हेक्टेयर आर.	सेन्टीयर	
1	2	3	4	5
अडालज	683	0	23	80
	682	0	08	80
कार्ट ट्रैक		0	03	00
	681	0	13	00
	680	0	10	40
	679	0	18	40
	677	0	00	42
	703	0	16	20
	702	0	09	20
	706	0	09	40
	707	0	05	80
	723	0	01	20
	708	0	13	40
	710	0	10	80
	808	0	48	30
	809	0	18	90
	674	0	42	40
कार्ट ट्रैक		0	03	00
	840	0	09	00
	841	0	19	00

842	0	08	00
850	0	17	40
844-843	0	18	60
849	0	52	00
878	0	03	75
1012	0	66	60
1014	0	03	37
1041	0	08	00

[सं ओ-11027/1/90-ओ एन जी. डी--III]

के. विवेकानन्द, डेस्क अधिकारी

MINISTRY OF PETROLEUM & NATURAL GAS

New Delhi, the 17th August, 1990

S.O. 2355.—Whereas by notification of the Government of India in the Ministry of Petroleum and Natural Gas S.O.

No. 775 dated 27-2-90 under sub-section (1) of Section 3 of the Petroleum and Minerals Pipelines (Acquisition of Right of User in Land) Act, 1962 (50 of 1962), the Central Government declared its intention to acquire the right of user in lands specified in the schedule appended to that notification for the purpose of laying pipeline.

And whereas the Competent Authority has under sub-section (1) of the Section 6 of the said Act, submitted report to the Government;

And further whereas the Central Government has, after considering the said report decided to acquire the right of user in the lands in the schedule appended to this notification;

Now, therefore, in exercise of the power conferred by sub-section (1) of the Section 6 of the said Act, the Central Government hereby declares that the right of user in the said lands specified in the schedule appended to this notification hereby acquired for laying the pipeline;

And further in exercise of power conferred by sub-section (4) of the section, the Central Government directs that the right of user in the said lands shall instead of vesting in Central Government vests on this date of the publication of this declaration in the Oil & Natural Gas Commission free from encumbrances.

SCHEDULE

PIPELINE FROM GGS XI TO TAPE OFF POINT CHANDKHEDA

State : Gujarat

District & Taluka : Gandhinagar

Village	Block No.	Hectare	Are	Centiare
1	2	3	4	5
ADALAJ	683	0	23	80
	682	0	08	80
	Cart track	0	03	00
	681	0	13	00
	680	0	10	40
	679	0	18	40
	677	0	00	42
	703	0	16	20
	702	0	09	20
	706	0	09	40
	707	0	05	80
	723	0	01	20
	708	0	13	40
	710	0	10	80
	808	0	48	30
	809	0	18	90
	674	0	42	40
	Cart track	0	03	00
	840	0	09	00
	841	0	19	00
	842	0	08	00
	850	0	17	40

1	2	3	4	5
	844—843	0	18	60
	849	0	52	00
	878	0	03	25
	1012	0	66	60
	1014	0	03	37
	1041	0	08	00

[No. O-11027/1/90-ONG D-III]

K. VIVEKANAND, Desk Officer

स्वास्थ्य और परिवार कल्याण मंत्रालय

(स्वास्थ्य विभाग)

नई दिल्ली, 7 अगस्त, 1990

का. आ. 2356—भारतीय आयुर्विज्ञान परिषद अधिनियम, 1956 (1956 का 102) की धारा 11 की उपधारा (2) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए केन्द्रीय सरकार भारतीय आयुर्विज्ञान परिषद से परामर्श करने के पश्चात्, उ अश्विनि, की प्रथम अनुसूची का निम्नलिखित और संशोधन करती है अर्थात् :—

केरल विश्वविद्यालय से संबंधित प्रविष्टियों में डाक्टर ग्राफ मैडिसिन (सामाजिक और निरोधक आयुर्विज्ञान)—एम. डी. (सामाजिक और निरोधक आयुर्विज्ञान) प्रविष्टि के पश्चात् निम्नलिखित प्रविष्टियां अतः स्थापित की जाएगी, अर्थात् :—

“डाक्टर ग्राफ मेडिसिन (त्वचा, विज्ञान रति रोग और कुष्ठ रोग) एम. डी. (त्वचा विज्ञान रति रोग और कुष्ठ रोग)”

टिप्पण :— उपरोक्त अर्हता मान्यताप्राप्त आयुर्विज्ञान अर्हता तब होगी, जब वह मेडिकल कालेज, त्रिवेन्द्रम में प्रशिक्षित विद्यार्थियों को केरल विश्वविद्यालय द्वारा अनुदत्त की जाएगी।

[संख्या बी. 11015/21/89-एम. ई. (पी.)]

MINISTRY OF HEALTH & FAMILY WELFARE
(Department of Health)

New Delhi, the 7th August, 1990

S.O. 2356.—In exercise of the powers conferred by sub-section (2) of section 11 of the Indian Medical Council Act, 1956 (102 of 1956), the Central Government after consulting the Medical Council of India, hereby makes the following further amendments in the First Schedule to the said Act, namely :—

In the entries relating to the University of Kerala after the entry “Doctor of Medicine (Social & Preventive Medicine)—M.D. (Sec. & Prev. Med.)”, the following entry shall be inserted, namely :—

“Doctor of Medicine (Dermatology), M.D. (Derm., Ven. & Lep.) Venereology & Leprosy.”

2291 GI 90—9

Note.—The above qualification shall be recognised Medical qualification when granted by the Kerala University in respect of the students being trained at Medical College, Trivandrum.”

[No. V. 11015/21/89-ME(P)]

नई दिल्ली, 8 अगस्त, 1990

का. आ. 2357—केन्द्रीय सरकार, भारतीय आयुर्विज्ञान परिषद अधिनियम, 1956 (1956 का 102) की धारा 5 के साथ पठित धारा 3 की उपधारा (1) के उपचर्चा के अनुसरण में भारत सरकार के स्वास्थ्य मंत्रालय की अधिसूचना सं. का. आ. 138 तारीख 9 जनवरी, 1960 का निम्नलिखित संशोधन करती है; अर्थात् :— उक्त अधिनियम में धारा 3 की उपधारा (1) के खंड (क) के अधीन नाम-निर्दिष्ट “शीर्षक के नीचे, क्रम संख्यांक 5 और उससे संबंधित प्रविष्टि के स्थान पर निम्नलिखित संख्यांक और प्रविष्टि रखी जाएगी, अर्थात् :—

“5 डा० एच. एच. हीरानन्दनी एफ. आर. सी. एस. इंग्लैंड) डी. एम. सी. ओ. लंदन), एफ. सी. पी. एस. (मुम्बई) दूसरी मंजिल -3, अमर चन्द मेसन, वाई.-डब्ल्यू. - सी. ए. के पाम, मैडम कामा रोड, बम्बई।

[संख्या बी. 11013/19/88-एम. ई. (पी.)]

New Delhi, the 8th August, 1990

S.O. 2357.—In pursuance of the provisions of Sub-Section (1) of Section 3 read with Section 5 of the Indian Medical Council Act, 1956 (102 of 1956) the Central Government hereby makes the following amendment in the notification of the Government of India in the Ministry of Health No. S.O. 138, dated the 9th January, 1960, namely :—

In the said notification under the heading “Nominated under clause (a) of Sub-Section (1) of Section 3”, serial number 5 and the entry relating thereto, the following serial number and entry shall be substituted, namely :—

“5. Dr. L. H. Hiranandani FRCS (Eng.) DLGO (Lond.), FCPS (Bom.), 2nd Floor, A-3, Amarchand Mansion, next to Y.W.C.A. Madame Cama Road, Bombay.”

[No. V. 11013/19/88-ME(P)]

नई दिल्ली, 10 अगस्त, 1990

का. आ. 2358.—केन्द्रीय सरकार भारतीय आयुर्विज्ञान परिषद अधिनियम, 1956 (1956 का 102) की धारा 3 की उपधारा (1) के खंड (ग) के अनुसरण में भारत सरकार के भूतपूर्व स्वास्थ्य मंत्रालय की अधिसूचना सं. का. आ. 138, तारीख 9 जनवरी, 1960 का निम्नलिखित और संशोधन करती है; अर्थात् :—

उक्त अधिसूचना में धारा 3 की उपधारा (1) के खंड (ग) के अधीन निर्वाचित शीर्षक के नीचे, क्रम संख्यांक 11 और उससे संबंधित प्रविष्टि के स्थान पर निम्नलिखित क्रम संख्यांक और प्रविष्टि रखी जाएगी, अर्थात् :—

“11 डा. नवीन नाहर
परामर्श शल्य चिकित्सक,
मन्त्रीछाया पॉलिक्लीनिक,
9/1, मनोरमागंज,
इन्दौर - 452001

[सं. बी. 11013/56/87 - एन. ई. (पी)]
एच. एन. यादव, डेस्क अधिकारी

New Delhi, the 10th August, 1990

S.O. 2358.—In pursuance of clause (c) of sub-section (1) of section 3 of the Indian Medical Council Act, 1956 (102 of 1956), the Central Government hereby makes the following further amendment in the notification of the Government of India in the late Ministry of Health, No. S.O. 138 dated the 9th January, 1960, namely :—

In the said notification, under the heading “Elected under clause (c) of sub-section (1) of Section 3” for serial number 11 and the entry relating thereto the following serial number and entry shall be substituted, namely :—

“Dr. Navcen Nahar,
Consulting Surgeon,
Matrichhaya Polyclinic,
9/1, Manormaganj,
Indore-452001.”

[No. V. 11013/56/87-ME(P)]
H. N. YADAV, Desk Officer

नागर विमानन मंत्रालय

नई दिल्ली, 22 अगस्त, 1990

का. आ. 2359.—राष्ट्रीय विमानपत्तन प्राधिकरण अधिनियम, 1985 (1985 का 64) के खंड 3 के उपखंड 3 द्वारा प्रदत्त शक्तियों का उपयोग करते हुए, केन्द्रीय सरकार एनडब्ल्यू एयर कमान्डर एच. एम. शाहुल को 8500-200-9500 रु. के अनुसूची “बी” वेतनमान में तत्काल खपाये जाने के आधार पर राष्ट्रीय विमानपत्तन प्राधिकरण में, उनके द्वारा पद का कार्यभार ग्रहण करने की तारीख से तीन वर्ष की अवधि के लिए पूर्ण कालिक सदस्य (परिचालन) के रूप में नियुक्त करती है।

[संख्या ए. बी. 11015/1/90 - एन. ए. ए.]
नसीब सिंह, अवर सचिव

MINISTRY OF CIVIL AVIATION

New Delhi, the 22nd August, 1990

S.O. 2359.—In exercise of the powers conferred by Sub-Section 3 of Section 3 of the National Airports Authority Act, 1985 (64 of 1985), the Central Government hereby appoints Air Cmde H. M. Shahul as whole-time Member (Operations) in the National Airports Authority in Schedule ‘B’ scale of pay of Rs. 8500-200-9500 on immediate absorption basis for a period of three years from the date he assumes charge of the post.

[No. AV. 11015/1/90-NAA]
NASIB SINGH, Under Secy.

श्रम मंत्रालय

नई दिल्ली, 10 जुलाई, 1990

का. आ. 2360.—खान अधिनियम, 1952 (1952 का 35) की धारा 5 की उपधारा (1) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुये, केन्द्रीय सरकार निम्नलिखित अधिकारियों को अगले आदेशों तक मुख्य खान निरीक्षक के अधीन खान निरीक्षक नियुक्त करती है :—

1. श्री शैलेश कुमार तालुकदार
2. श्री विरेन्द्र कुमार लामा
3. श्री करुणा मोय घोष
4. श्री मिशन कान्ति दाम

[पं. ए-12025/5/89-आई. एस. एच-1]
दिनेश कुमार त्रेहन, उप सचिव

MINISTRY OF LABOUR

New Delhi, the 10th July, 1990

S.O. 2360.—In exercise of the powers conferred by sub-section (1) of Section 5 of the Mines Act, 1952 (35 of 1952), the Central Government hereby appoints the following officers as Inspector of Mines subordinate to the Chief Inspector of Mines, until further orders :—

1. Shri Sailesh Kumar Talukdar.
2. Shri Birendra Kumar Lama.
3. Shri Karuna Moy Ghosh.
4. Shri Milan Kanti Das.

[F. No. A-12025/5/89-ISH.I]
D. K. TREHAN, Dy. Secy.

नई दिल्ली, 13 अगस्त, 1990

का. आ. 2361.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में केन्द्रीय सरकार सोदपुर कोल्यरी आफ ईस्टर्न कोल फील्ड्स लि. पो. मुन्दरचक (वर्दवान) के प्रबंधन के संबंध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण कनकता के पंचपट को प्रकाशित करती है, जो केन्द्रीय सरकार को 10-8-90 को प्राप्त हुआ था।

New Delhi, the 13th August, 1990

S.O. 2361.—In pursuance of section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award of the Central Government Industrial Tribunal Calcutta as shown in the Annexure in the

Annexure in the Industrial dispute between the employers in relation to the management of Sodepur Colliery—Eastern Coalfields Ltd. P.O. Sunderchak (Burdwan) and their workmen, which was received by the Central Government on the 10th August, 1990.

ANNEXURE

CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL
AT CALCUTTA

Reference No. 25 of 1985

PARTIES :

Employers in relation to the management of Sodepur Colliery, Eastern Coalfields Ltd., P.O. Sunderchak (Burdwan).

AND

Their workmen.

APPEARANCE :

On behalf of employer—Mr. B. N. Lala, Advocate.

On behalf of workmen—None.

STATE : West Bengal.

INDUSTRY : Coal.

AWARD

By Order No. L-19012(19)/85-D.IV(B) dated 28th August, 1985, the Government of India, Ministry of Labour, referred the following dispute to this Tribunal for adjudication:—

"Whether the action of the management of Sodepur Colliery, Eastern Coalfields Limited, P.O. Sunderchak, District Burdwan in dismissing Shri Sheo Charan Rajbar, is justified? If not, to what relief the workman is entitled?"

2. When the case is called out today, Mr. B. N. Lala, Advocate appears for the employer. None appears for the workmen. Mr. Lala files a Joint Petition of Compromise, duly signed by both parties. He prays for an Award in terms of the Joint Petition of Compromise. Considered the said Joint Petition of Compromise as well as the submission of Mr. Lala. The terms of the Joint Petition of Compromise appear to be fair, reasonable and in the interest of the parties. I, therefore, accept the same and pass an "Award" in terms of the said Joint Petition of Compromise which do form part of this Award as Annexure-A.

This is my Award.

SUKUMAR CHAKRAVARTY, Presiding Officer

[No. L-19012(19)/85-D.IV(B)]

ANNEXURE-A

BEFORE THE HON'BLE PRESIDING OFFICER CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL,
CALCUTTA

JOINT PETITION OF COMPROMISE

Ref. 25/85—Seocharan Rajbhar

Both the Parties beg to submit as under :

1. That the above matter is pending before the Hon'ble Tribunal and the matter has not been heard.
2. In the meantime, both the parties have amicably settled the matter on the following terms :

TERMS OF SETTLEMENT

- A. The management agrees to allow the concerned workman to resume his duty within 15 days from the date of this settlement is accepted by the Hon'ble Presiding Officer.
- B. That there shall be no claim for any wages for the period of idleness what-so-ever, from the date of his dismissal to the date of his resumption of duty

as per this settlement. The period of idleness shall be counted for the purpose of gratuity.

C. That the matter stands settled fully and finally and there shall be no claim for any matter arising out of instant reference.

D. Both the parties pray that the Hon'ble Tribunal may kindly accept the settlement as fair and proper and may be further pleased to pass an award in terms of this settlement.

And for this act of kindness, both the parties as in duty bound shall every pray.

Dated : 26th July, 1990.

For and on behalf of Union

Sd/- (Illegible)

Vice-President,

Colliery Mazdoor Sabha (AITUC)

Sd/- (Illegible)

For and on behalf of the Management

Sd/- (Illegible)

नई दिल्ली, 17 अगस्त, 1990

का.आ. 2362.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 67 के अनुसरण में, केन्द्रीय सरकार भारतीय खाद्य निगम के प्रबंधन के संबंध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण नं. 2 धनबाद के पंचपट को प्रकाशित करती है, जो केन्द्रीय सरकार को 16-8-90 को प्राप्त हुआ था।

New Delhi, the 17th August, 1990

S.O. 2362.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of the 1947), the Central Government hereby publishes the award of the Central Government Industrial Tribunal No. 2, Dhanbad as shown in the Annexure in the industrial dispute between the employers in relation to the management of Food Corporation of India and their workmen, which was received by the Central Government on 16-8-1990.

ANNEXURE

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL
TRIBUNAL (NO. 2) AT DHANBAD

PRESENT :

Shri I. N. Sinha, Presiding Officer.

Reference No. 3 of 1990

In the matter of an industrial dispute under Section 10(1)(d) of the I. D. Act, 1947

PARTIES :

Employers in relation to the management of FCI Gaya and their workmen:

APPEARANCES :

On behalf of the workmen—Vijayendra Kumar, State Joint Secretary, FCI Executive Staff Union.

On behalf of the employers—Shri K. S. Chahal, Distt. Manager, FCI, Gaya.

STATE : Bihar

INDUSTRY : Port

Dhanbad, the 8th August, 1990

AWARD

The Government of India, Ministry of Labour in exercise of the powers conferred on them under Section 10(1)(d) of the I. D. Act, 1947 has referred the following dispute to this Tribunal for adjudication vide their Order No. L-22012(203)/89-I.R. dated the 18th January, 1990.

SCHEDULE

"Whether the action of the Management of Food Corporation of India, Anugrahpuri, A.P. Colony, Gaya by not reinstating Sri Anil Kumar, Casual Typist w.e.f. 6-5-84 in service vide order dated 24-4-84 is legal and justified? If not, to what relief the workman concerned is entitled?"

The case of the concerned workman is that the concerned workman Shri Anil Kumar was appointed by the Senior Regional Manager, Patna on 4-10-82 as casual Hindi Typist. But the order in confirmation to his appointment was issued on 1-12-82 by the Senior Regional Manager, F.C.I. Patna. The Senior Regional Manager is the competent authority to appoint Casual Typist. The concerned workman worked from 4-10-82 to 5-5-84. His services were terminated by the District Manager, FCI, Gaya with effect from 6-5-84 in pursuance of FCI, Senior Regional Manager, Patna's Order dated 24-4-84. The concerned workman worked continuously and regularly without any break from 4-10-82 to 5-5-84 and completed more than 240 days continuous service within 12 calendar months. The management did not give any notice of termination to the concerned workman indicating the reasons for his retrenchment or notice pay and compensation as required under Section 25-N of the I. D. Act. The management did not give any intimation or permission to the appropriate Government before or after his retrenchment as provided under Section 25-N of the I. D. Act. About 50 persons were appointed against regular post of Typist in the pay scale of FCI after the termination of the services of the concerned workman but he was not given any chance for his employment and as such there was violation of Section 25-G and H of the I. D. Act. There are vacant posts of Typist which are required to be filled up and therefore after reinstatement the concerned workman is entitled for his regularisation against the vacant post. The termination order of the concerned workman is illegal and void as it has been issued in contravention of Section 25-F and 25-N of the I. D. Act and he is entitled for his reinstatement with full back wages in the time scale of FCI with other consequential benefits along with regularisation to the post of Typist. The action of the management in not reinstatement the concerned workman with full back wages and other consequential benefits w.e.f. 6-5-84 vide order dated 24-4-84 is illegal and unjustified and the concerned workman will be deemed to continue in service from 24-4-84.

The case of the management is that the concerned workman had obtained the employment as Casual Typist illegally which did not confer any legal right and as such the reference is not maintainable. The concerned workman was engaged as casual Typist by the District Manager, Food Corporation of India, Gaya from 4-10-82 without observing standing instructions for recruitment laid down in the FCI Staff Regulation, 1971 in Clause 7 and 9 of the FCI Staff Regulation. According to the said clause the vacancies are to be notified to the Employment Exchange and if Employment Exchange furnishes a non availability certificate the appointing authority shall arrange for the issue of advertisement in prominent newspaper. The appointing authority for the post of Category III is the Senior Regional Manager of the Region but in case of the concerned workman the appointment was made by the District Manager. The District Manager had appointed him as Hindi Typist without sponsoring the name and without taking any typing test thus violating the provision of clause 7(2) of FCI Staff Regulation. When the said irregularities came to the notice of the competent authority the services of the concerned workman was terminated after consultation with the Zonal Manager. The employment of the concerned workman was irregular and illegal and as such the question of giving compensation or any other benefit did not arise. The management did not appoint any Hindi Typist and as such there is no violation of any Section of the I. D. Act. The vacant posts of the Typist are still to be filled up and steps are being taken by calling the names of candidates from the Employment Exchange. The services of the concerned workman was terminated with effect from 6-5-84 and he raised the dispute after a lapse of about 5 years vide letter dated 28-3-89 sent by the Joint Secretary of the FCI Executive Staff Union (Eastern Zone). On the above facts it is submitted that the concerned workman is not entitled to any relief.

The points for decision in this case are :—

- (1) Whether the concerned workman has been illegally retrenched by the management?
- (2) Whether the concerned workman is entitled to be reinstated in the post of Typist with effect from 6-5-84? and
- (3) To what relief the concerned workman is entitled.

The workmen examined one witness in support of their case. The management did not examine any witness. The documents of the workmen have been marked as Ext. W-1 and W-2. No document has been marked on behalf of the management.

POINT NO. 1 AND 2

Point No. 1 and 2 are taken up together as they are inter connected.

The management has raised an objection that the appointment of the concerned workman was not legal in as much as he was appointed by the District Manager, Gaya whereas according to regulation 7 of the FCI Staff Regulation, 1971 the appointment of Typist in Cat. III has to be made by the Senior Regional Manager. The concerned workman WW-1 has stated in his evidence that he was appointed as Casual Hindi Typist under the order of Senior Regional Manager, FCI, Patna and he joined in the District Office of FCI at Gaya and thereafter formal letter of appointment was issued by the Senior Regional Manager, FCI, Patna on 1-12-82. In proof of the said statement Ext. W-1 which is an office order dated 24-4-84 has been referred. This office order is the order by which the concerned workman along with others were terminated with effect from 24-4-84. Col. No. 2 against the name of the concerned workman will show that the concerned workman was appointed as Casual Typist (Hindi) vide Regional Office, FCI Patna vide office order No. Estt-1 (1)/77-Typist dated 1-12-82 and that the concerned workman was appointed with effect from 4-10-82 at Gaya. It is clear therefore that the concerned workman was not appointed by the District Manager, Gaya but was appointed by the Regional Office, FCI Patna. The management do not deny the fact of his appointment by the Regional Office, Patna. No order has been produced by the management to show that the concerned workman was not appointed by the Senior Regional Manager, Patna and that he was actually appointed by the District Manager, Gaya. The evidence of the concerned workman that he was appointed by the Senior Regional Manager finds support from the facts stated in Ext. W-1. Staff Regulations, 1971 in Appendix II shows that the appointing authority of Cat. III in service is the Regional Manager/Joint Manager. Thus it appears that the Senior Regional Manager who had appointed the concerned workman as Casual Typist was the appointing authority and that the appointment of the concerned workman was in accordance with the provision of the FCI Staff Regulations.

In principal Section 25-N and Section 25-F of the I. D. Act are similar. Except that in the case of Section 25-N of the I.D. Act which comes under Chapter V B of the I.D. Act there should not be less than 300 workmen employed in an Industrial Establishment on an average per working day for the preceding 12 months. These provisions of the I.D. Act provide that no workman employed in any industry who has been in continuous service for not less than one year under an employer shall be retrenched by that employer until (a) workman has been given 1 month notice under Section 25-F of the I. D. Act (3 months notice under Section 25-N of the I. D. Act) provided that no such notice shall be necessary if the retrenchment is under an agreement which specifies a date for termination of service, (b) the workman has been paid at the time of retrenchment compensation which shall be equivalent of 15 days average pay for every completed year of continuous service or any part thereof in excess of 6 months and (c) notice in the prescribed manner is served on the appropriate Government or such authority as may be specified by the appropriate Government by notification in the Official Gazette. Under Section 25-N the management has further to take permission of the appropriate Government or authority.

In order to find out if the termination of the services of the concerned workman is retrenchment it has to be

seen whether the concerned workman had completed attendance of 240 days in a calendar year which is a must for continuous service within the meaning of Section 25-B of the Act. The management in his argument stated before me that the concerned workman was on casual basis and there was break in his service on several occasions. It was further elucidated by stating that the concerned workman did not work for 7 days in February, 1983, 3 days in March, 1983, 3 days in April, 1983; one day in June, 1983, 6 days in March, 1984 and 3 days in April, 1984. Thus it will appear that the concerned workman did not work for 14 days in the year 1983 and he also did not work for 10 days in 1984 upto 6-5-84. The definition of continuous service as given in Section 25-B of the I. D. Act in clause (2) states "Where a workman is not in continuous service within the meaning of clause (1) for a period of one year or 6 months he shall be deemed to be in continuous service under an employer (a) for a period of one year if the workman during a period 12 calendar months preceding the date with reference to which the calculation is to be made, has actually worked under the employer for not less than (i) 190 days in the case of workman employed below ground in a mine and (ii) 240 days in any other case." The services of the concerned workman was terminated with effect from 6-4-84 and hence from 6-5-83 to 5-5-84 the concerned workman had completed more than 240 days of Attendance within a period of one year from the date of termination of his services. The workman WW-1 has stated that he had worked for more than 240 days continuously within 12 calendar months. He has further stated that the management did not give him any notice, notice pay or compensation at the time of termination of his service. He also has stated that many Typists were appointed by the management after the termination of his service. There is no case of the management that any notice was given in writing to the concerned workman indicating the reasons for his retrenchment nor there is any case of the management that the workman had been paid at the time of termination of his services compensation for every completed year of continuous service or that any notice in the prescribed manner was served on the appropriate Government. It appears therefore that the provision relating to the conditions precedent to the retrenchment of workman had not been complied with by the management.

In this connection I would like to refer to a case reported in 1984 Lab. I.C. page 1651 (Desraj Sood). Their Lordships were discussing termination of service within the meaning of Section 2(oo) and the provision of Section 25-F of the I.D. Act. Their Lordship held that "whether termination of service is brought about by voluntary or involuntary action, whether that result is produced by over act or by operation of the provisions of Standing Order the termination would be retrenchment within the meaning of Section 2(oo) since the fact of termination is only relevant, howsoever produced is irrelevant for the applicability of Section 25-F. Once the termination does not fall in any one of the excepted categories enumerated in Section 2(oo) the termination of service even if it be according to automatic discharge from service under an agreement or by a flux of times or by the default of the workman it would be retrenchment attracting the compliance of Section 25-F (a) and (b) of the Act." Their Lordships further held that since termination of service amounting to retrenchment without compliance with the provision of Section 25-F renders the termination void abinitio and inoperative and it cannot be said that in such a case the employee would not be entitled to reinstatement and back wages. There is no question of granting reinstatement because there is no cessation of service. A mere declaration follows that the employee continuous to be in service with all consequential benefits. The question of weighing the fact and circumstances of the case arise for grant of compensation of back wages in a case of reinstatement but the said question does not cover a case of an ineffective and inoperative order of retrenchment as there is neither termination nor cessation of service but it needs a bare declaration. Hence in such case the workman is entitled to continue in service with all benefits from the date he was intimated of the termination of his service.

I hold therefore that the concerned workman has been illegally retrenched by the management and as such as discussed above the concerned workman is entitled to be reinstated in the post of Typist with effect from 6-5-84.

POINT NO. 3

It will appear from the discussions made above that the concerned workman was illegally retrenched from the service without complying with the provision of retrenchment provided under the I. D. Act as the retrenchment of the services of the concerned workman was without compliance with the provision of Section 25-F of the I. D. Act. As the termination was void abinitio and inoperative and as such it will be deemed that the concerned workman continued in his service even from 6-5-84 and is entitled to his wages from 6-5-84 with all consequential benefits.

In the result, I hold that the action of the management of Food Corporation of India, Anugrahpuri, A.P. Colony, Gaya by not reinstating the concerned workman Shri Anil Kumar, Casual Typist with effect from 6-5-84 is illegal and unjustified. The management is directed to allow the concerned workman to join his job within one month from the date of publication of the Award and should pay him all arrears of back wages and other consequential benefits with effect from 6-5-84.

This is my Award.

I. N. SINHA, Presiding Officer
[No. L-22012(203)/89-IR (C-II)]

नई दिल्ली, 20 अगस्त, 1990

का. आ. 2363.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार में एन. ई. सी. लिमिटेड, पोस्ट हन्दी बाड़ी के प्रबंधन के संबद्ध नियोजनों और उनके कर्मचारियों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण व श्रेष्ठ न्यायालय, जबलपुर के पंचपट को प्रकाशित करती है, जो केन्द्रीय सरकार को 17-8-90 को प्राप्त हुआ था।

New Delhi, the 20th August, 1990

S.O. 2363.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award of the Central Government Industrial Tribunal-cum-Labour Court, Jabalpur (M.P.) as shown in the Annexure in the industrial dispute between the employers in relation to the management of M/s. S.E.C. Limited P.O. Haldibadi and their workmen, which was received by the Central Government on 17-8-1990.

ANNEXURE

BEFORE SHRI V. N. SHUKLA, PRESIDING OFFICER,
CENTRAL GOVERNMENT INDUSTRIAL-CUM-LABOUR
COURT, JABALPUR (M.P.)

Case No. CGIT/LC(R)(173)/1989

PARTIES :

Employer in relation to N.C.P.H. Colliery of M/s. S.E.C. Limited, P.O. Haldibadi, District Sarguja (M.P.) and their workman, Shri Bedram Son of Patiram, Locotarwala, represented through the Secretary, Rashtriya Koyala Khadan Mazdoor Sangh, P.O. Haldibadi (Chirimiri) District Sarguja (M.P.)

APPEARANCES :

For Workman—Shri B. P. Dubey.

For Management—Shri Rajendra Menon, Advocate.

INDUSTRY : Coal Mining DISTRICT : Sarguja (M.P.)

AWARD

Dated, the 6th August, 1990

The Central Government in the Ministry of Labour vide its Notification No. L-22012(24)/89-IR (C-II) dated 19th

September, 1989 referred the following dispute to this Tribunal, for adjudication :—

“Whether the action of the Management of NCPH Colliery of M/s. SECL, P.O. Haldibadi, Distt. Sarjura (MP) in terminating services of their workman Sri Bedram son of Patiram, Locotarwala, is legal and justified? If not, to what relief the workman concerned is entitled?”

2. Though the parties were noticed to file their respective statement of claim etc. but they have filed no statement of claim. Instead on 23-1-1990 Shri Menon, Counsel for Management, filed a Memorandum of Settlement. Since none was present on behalf of the workman on that date next date was fixed for verification of the settlement. On 23-7-1990 and 8-5-1990 none appeared on behalf of the workman to verify the settlement. On 2-7-1990 Shri B. P. Dubey on behalf of the workman and Shri Rajendra Menon, Advocate for Management appeared and verified the settlement. The terms of settlement duly arrived at between the parties are as under :—

1. The Management has agreed to reinstate Shri Bed Ram, Loco Tarwala on the following terms and conditions :—
 - (a) The period of absence should be treated as ‘DIES NON’ i.e. the principle of ‘NO WORK NO PAY’.
 - (b) That dispute will not be raised at any later stage by concerned employee or Union for any purpose.
 - (c) That the concerned employee will have no objection in accepting his posting outside Chirimiri Area.
 - (d) That this settlement would not be quoted in future as precedence.

3. I have gone through the above terms of settlement and am satisfied that they are just, fair and in the interest of the workman concerned. I therefore record my award in terms of the settlement quoted above.

No order as to costs.

V. N. SHUKLA, Presiding Officer
[No. L-22012/24/89-IR (C-II)]

का. आ. 2364.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार में वेस्टर्न कोल फील्ड्स लि. पाथाखेड़ा के प्रबंधन के संबद्ध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निदिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण बनाम न्यायालय जबलपुर के पंचपट को प्रकाशित करती है, जो केन्द्रीय सरकार को 17-8-90 को प्राप्त हुआ था।

S.O. 2364.—In pursuance of section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award of the Central Government Industrial Tribunal-Cum-Labour Court, Jabalpur (M.P.) as shown in the Annexure in the industrial dispute between the employers in relation to the management of M/s. Western Coalfields Limited Pathakhera and their workmen, which was received by the Central Government on the 17-8-90.

ANNEXURE

BEFORE SHRI V. N. SHUKLA, PRESIDING OFFICER,
CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-
CUM-LABOUR COURT, JABALPUR (M.P.)
Case No. CGIT/IC(R)(193)/1989

PARTIES:

Employer in relation to the management of M/s. Western Coalfields Limited, Pathakhera Area, Pathakhera, Distt. Betul (M.P.), and their workman Mohammad

Sabir, Trammer, PK-I represented through the M.P. Koyla Khadan Mazdoor Panchayat (H.M.S.), Pathakhera Area, Pathakhera, Distt. Betul-460449 (M.P.).

APPEARANCES :

For Workmen—Shri Sandeep Dubey, Advocate

For Management—Shri Rajendra Menon, Advocate.

INDUSTRY : Coal Mining.

DISTRICT : Betul (M.P.)

AWARD

Dated, August, 1990

By Notification No. L-22012(67)/89-IR(Coal-II) dated 27th September, 1989 Central Government in the Ministry of Labour has referred the following dispute to this Tribunal, for adjudication :—

“Whether the action of the Management of General Manager, Western Coalfields Ltd., Pathakhera in terminating the services of Shri Mohammad Sabir Trammer, PK-I without any enquiry, is justified? If not, to what relief the workman concerned is entitled?”

2. The above reference order was received on 6-10-1989. Thereafter parties were noticed to file their respective statement of claim, along with the documents, list of reliance and witnesses etc. by 5-1-1990. After two dates of hearing workman filed his statement of claim on 2-2-1990 and management was allowed to file its statement of claim on 31-5-90. But on this date Shri Menon, Counsel for Management, filed a Memorandum of Settlement and on the request of the Counsel for workman 28-6-90 was fixed for verification of settlement. On 28-6-1990 Shri Menon, Counsel for Management stated that the settlement has been arrived at between the parties and it has been implemented also vide order dated 17-4-1990. He further stated that as per order dated 17-4-90 the workman has been given fresh appointment in accordance with the terms of settlement. It appears that the workman is satisfied with the order dated 17-4-1990 and that is why he was no interest in the proceedings. In the circumstances I record a no dispute award and make no order as to costs.

V. N. SHUKLA, Presiding Officer
[No. L-22012/67/89-IR (Coal-II)]

का. आ. 2365.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में केन्द्रीय सरकार बिसरामपुर ग्रुप आफ माइन्स आफ एस. ई. सी. एल. बाकुन्थपुर क्षेत्र के प्रबंधन के संबद्ध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निदिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण बनाम न्यायालय जबलपुर के पंचपट को प्रकाशित करती है, जो केन्द्रीय सरकार को 17-8-90 को प्राप्त हुआ था।

S.O. 2365.—In pursuance of section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award of the Central Government Industrial Tribunal-cum-Labour Court, Jabalpur (M.P.) as shown in the Annexure in the industrial dispute between the employers in relation to the management of Bistrampur Group of Mines of S.E.C.L. Baikunthpur Area and their workmen, which was received by the Central Government on the 17-8-90.

ANNEXURE

BEFORE SHRI V. N. SHUKLA, PRESIDING OFFICER,
CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-
CUM-LABOUR COURT, JABALPUR (M.P.)

Case No. CGIT/LC(R)(28)/1988

PARTIES :

Employer in relation to the management of Bistrampur Group of Mines of S.E.C.L. Baikunthpur Area,

P.O. Baikunthpur, District Surguja (M.P.) and their workmen through Shri Bhupendra Kumar Dome, Gram: Kankpur, P.O. Silpili, Tahsil, Surajpur, District Surguja (M.P.).

APPEARANCES:

For Workmen—Shri B. K. Dome.

For Management—Shri Rajendra Menon, Advocate.

INDUSTRY : Coal Mining DISTRICT : Surguja (M.P.)

AWARD

Dated : August 3rd, 1990

This is a reference made by the Central Government, Ministry of Labour, vide its Notification No. L-21011/25/87-D.II(B) dated 13-1-1988 for adjudication of the following dispute :—

SCHEDULE

"Whether the stoppage of work/termination of services of Shri Bhupendra Kumar Dome and 124 other Mazdoors of Bistrampur Group of Mines by the Sub-Area Manager, Bistrampur Colliery of SECL, P.O. Bistrampur Colliery, Dist. Surguja (M.P.), is justified. If not, to what relief these workmen are entitled?"

Though there is mention of 125 workmen who are involved in the dispute referred to this Tribunal i.e. "stoppage of work/termination of services of Shri Bhupendra Kumar Dome and 124 other Mazdoors" the Government has not sent the list of 124 Mazdoors despite request by this Tribunal.

2. In this case parties were noticed to file their respective statement of claims. On behalf of the workmen Shri Bhupendra Kumar Dome filed the statement of claim. Management raised a preliminary objection that the reference order does not disclose the details of the alleged 124 employees. Therefore a vague reference without specifying the names of the individuals is not permissible under law and played that the reference may be rejected. I need not dwell upon to pass any order in this respect as the parties have mutually settled the dispute in respect of the following 100 employees and filed Memorandum of Settlements duly signed by each workman concerned and Shri Bhupendra Kumar Dome, the representative of the workmen and the Personnel Manager, South Eastern Coalfields Limited, Baikunthpur, District Surguja (M.P.).

Sl. Name of workmen No.	Father's name
1. Jogendra Singh	Mangal Singh
2. Jeelphal Mini	Abraham
3. Pankaj	Govind
4. Raj Gurhi Yadav	H. Yadav
5. Satyadeo Singh	P. Singh
6. Alam Sai	Hirday
7. Seobaran	Nanhu
8. Babulal	Cihnta Ram
9. Kishori Lal	Jangbahadur
10. Basant	Rangu
11. Malkit Singh	Tahal Singh
12. Anil Kumar	Hira Lal
13. Bijai	Santiram
14. Jagdish	Daduram
15. Sukhdeo Singh	Badan Singh
16. Khem Sai	Rup Sai
17. Bhaguram	Ramphal
18. Kubi Sai	Suphal
19. Ashim Kradas	Ramesh Chandradas
20. Jagdish	Bishwanath

Sl. Name of workmen No.	Father's name
21. Girdhari	Deonath
22. Subhash	Janardan
23. Rajendra Prasad	Sheonandan
24. Satya Kumar	Chandan Ram
25. Krishna	Moharsai
26. Deochand Sahu	Baljit
27. Paras Ram Sahu	Sheodhan
28. Ramdayal	Sadhuram
29. Bahadur	Sabalsai
30. Balsai	Mangluram
31. Rambakesh Singh	Sonsai
32. Satish	Chikru
33. Ramkripal Sahu	Ram Saran
34. Ramawtar	Khelawan
35. Ramlakhan	Rohini
36. Sudarshan Ram Soni	Avadhesh Pd. Soni
37. Ramdayal	Prem Sai
38. Bhagwat Ram	Nanka
39. Kauleshwar	Alguram
40. Karmaha Satnam	Pilku
41. Sagar	Markus
42. Bhuleshwar	Dasru
43. Jagdish	Noharsai
44. Ghursai	Dhansai
45. Bishwanath Bara	Ghasi Bara
46. Brahmdeo Tiwari	S. Tiwari
47. Dalsai	Gopal
48. Bhedan Ram	Jagat Ram
49. Bhupendra Kumar	Dadu
50. Kishu	Sheoratan
51. Dinesh Kumar	Ram Sagar
52. Pramod Singh	Ram Lakhan Singh
53. Ramphal	Dalsai
54. Jagarnath	Ramphal
55. Ambika Prasad	Achambit
56. Tilak Ram	Holsai
57. Ramnarayan	Narmada
58. Lalal Soni	Chedilal Soni
59. Daman Ram	Budhram
60. Narayan	Tiwari
61. Sukhran Prasad	Ramlekhan
62. Pancham	Nandu
63. Lakhani Singh	Jagar Sai
64. Suresh Kumar	Dharamjit
65. Thakur	Ram Khelawan
66. Lakhani Ram	Bajinath
67. Mukeshwar	Jamuna
68. Samarsai	Mangli
69. Mithlesh	Mundrika
70. Paras Ram Chakradhari	Mansai
71. Jayram	Dasairam
72. Yogi	Sethu
73. Bhuneshwar Dubey	Chappan Dev Ram
74. Jagbandhu	Harendra Lal
75. Kailash Mandal	Phagu Mandal
76. Ram Lal Sahu	Ram Pratap Sahu
77. Jagdish	Petru
78. Ramnath	Ram Prasad
79. Ramdhari	Samar Sai
80. Manmohan	Suganram
81. Sanyasi Maharana	Raghunath
82. Ramnandan Ram	Gangaram
83. Mahendra Kumar	Bhalsai
84. Balai	Satish Shit
85. Babu Lal	Ramjit

Sl. Name of workmen No.	Father's name
86. Samir Kumar	Hara Lal
87. Rama Shanker	Moti Lal
88. Arjun Bhagat	Sitaram Bhagat
89. Mahabir	Badrinath
90. Baljit	Tengna
91. Vinod Kumar Singh	H.N. Singh
92. Sunil Kumar Singh	Laqmi Narayan
93. Ramdular Singh	Rajendra Singh
94. Aditya Kumar Sinha	Kaushal Kishore
95. Sankata Prasad	Ram Sunder
96. Rameshwar Prasad	Sainath Ranu
97. Ramjit Singh	Sukhraj Singh
98. Ganesh Prasad	Mohan Mistry
99. Rambilash	Shambhu
100. Sushil Kumar	Mangal Prasad

in the present reference. I therefore record my award in terms of the settlement arrived at between the Management and 100 workmen, named above, and make no order as to costs.

V. N. SHUKLA, Presiding Officer
[No. L-21011/25/87-D.III(B)/IR(C-II)]
RAJA LAL, Desk Officer

नई दिल्ली, 16 अगस्त, 1990

का. आ. 2366:—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में केन्द्रीय सरकार वैस्टर्न रेलवे के प्रबंधन के संबंध में नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण नं. 1 बम्बई के पंचाट को प्रकाशित करती है, जो केन्द्रीय सरकार को 9-8-90 को प्राप्त हुआ था।

New Delhi, the 16th August, 1990

S.O. 2366.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award of the Central Government Industrial Tribunal, No. 1 Bombay as shown in the Annexure, in the industrial dispute between the employers in relation to the management of Western Railway and their workmen, which was received by the Central Government on 9-8-1990.

ANNEXURE

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL NO. 1, AT BOMBAY

Reference No. CGIT-29 of 1990

PARTIES :

Employers in relation to the Management of Paschim Railway, Bombay

AND

Their workmen.

APPEARANCES :

For the Management—Shri P. R. Pai, Advocate.

For the Workman—No appearance.

INDUSTRY : Railways STATE : Maharashtra.
Bombay, the 1st day of August, 1990

AWARD

The Central Government has referred the following industrial dispute to this Tribunal under Section 10 of the Industrial Disputes Act, 1947, for adjudication :

“Whether the action of the Management of Western Railway in retrenching the services of Shri Sheikh Mohd. Safi w.e.f. 2-12-85 is justified. If not, what relief the concerned workman is entitled to?”

2. The workman has not filed his statement of claim although the matter was adjourned thrice since May, 1990 for that purpose. In fact he or his union have not ever cared to put in appearance on any of the three dates, although duly served with notice more than once. The Management have today filed a written statement. But in the very nature of things obtaining, in absence of the Workman's statement of claim, they cannot be expected to take an effective stand. It is not possible to decide the reference on merits on the basis of the Management's written statement alone.

3. In the circumstances I hold that it is not possible to record any finding on the reference one way or the other.

3. So far as the question of other remaining 25 Mazdoors are concerned there is a difference of opinion regarding number of workmen involved because according to the management there is repetition of names of certain workman. Management has made the statement on the presumption that the workmen whose conciliation took place before A.L.C. (Central) Shahdol should be the same workmen. Neither party have submitted the list of 125 employees whose dispute was raised before the A.L.C. (C) Shahdol. Conciliation file has also not been summoned by the parties to enable this Court to tally the names of those employees whose case was raised before the A.L.C. (C) with the names of the workmen who have filed Memorandum of Settlements before this Court. It is also not known who were remaining 25 employees. The alleged 25 employees have neither put their appearance before this Court so far nor did they appear before the management despite notice as stated by Shri R. Menon, Counsel for Management. Therefore I have no option but to proceed to record the award on the basis of the settlement arrived at between the management and 100 workmen with the presumption that no other workman is involved in the matter under reference.

4. The terms of settlement incorporated in all the 100 Memorandum of Settlements are similar and they are as under :—

TERMS OF SETTLEMENT

(A) S/Shri Bhurendra Kumar Doms and 124 others the list mentioned in the Schedule of terms of reference will be given the fresh appointment as piece rated Loader subject to verification. They will be kept on probation for a period of 6 months. Their services will be liable for termination during the period of probation without assigning any reason if their services are not satisfactory.

(B) The fresh appointment is also given subject to medical fitness issued by the Medical Supdt. Regional Hospital, Bismarour.

(C) The workmen accept the fresh appointment as piece rated Loader on Probation in full and final settlement of all their claims under the terms of reference and they give up all claims of back wages and benefits of past services. The workmen accept settlement in full and final settlement of all the claim against SECL with reference to their claims of re-employment, back wages or any other benefits.

(D) Neither the workmen nor any union on their behalf shall raise any claim whatsoever with reference to the industrial matter before any authority and this settlement shall be deemed to be full and final settlement of all the claims of the individual concern.

5. I have gone through the above terms of settlement which appear to be just, fair and in the interest of the workmen. I have already stated above that except the 100 workmen named above who have filed Memorandum of Settlements before this Court, no other workman is involved

Resultantly, no relief can be granted to the Workman.
No order as to costs. Award accordingly.

S. N. KHATRI, Presiding Officer
[No. L-41011/66-89-IR (DU) (Pt.)]

नई दिल्ली, 17 अगस्त, 1990

का.मा. 2367:—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार डिवीजनल इंजीनियर टेलीफोन्स, भरतपुर के प्रबंधन के संबंध नियोजकों और उनके कर्मचारियों के बीच, अनुबंध में निदिष्ट औद्योगिक विवाद में औद्योगिक अधिकरण जयपुर के पंचाट को प्रकाशित करती है, जो केन्द्रीय सरकार को 16-8-90 को प्राप्त हुआ था।

New Delhi, the 17th August, 1990

S.O. 2367.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award of the Industrial Tribunal, Jaipur as shown in the Annexure, in the industrial dispute between the employers in relation to the management of Divisional Engineer Telephones, Bharatpur and their workmen which was received by the Central Government on 16-8-1990.

अनुबंध

केन्द्रीय औद्योगिक न्यायाधिकरण, जयपुर
माननीय न्यायाधीश श्री प्रताप सिंह यादव, भार.एच.
ज.एस. कोस नं. सी.आई.टी. 79/87

मध्य

श्री मिलाप सिंह पुत्र श्री मिर्चू सिंह चारबाग, पक्की
सराय, मथुरा गेट, भरतपुर।

बनाम

मण्डल अभियंता (टेलीफोन्स) भरतपुर मण्डल, अनाह
गेट, भरतपुर।

रेफरेंस अंतर्गत धारा 10 (1) (घ) औद्योगिक विवाद
अधिनियम 1947

उपस्थिति

श्रमिक पक्ष की ओर से : श्री एम.एफ.वेग एवं बी.बी.शर्मा
नियोजक पक्ष की ओर से : श्री एन.सी. चौधरी

दिनांक अर्वाह : 26-4-90

अर्वाह

भारत सरकार के श्रम मंत्रालय के डेस्क अधिकारी ने
उनके आदेश नं.मांक एल-40012/13/86-डी.-II (बी)
दिनांक 21-9-87 निम्न विवाद अंतर्गत धारा 10 (1) (घ)
औद्योगिक विवाद अधिनियम 1947, जिसे तत्पश्चात अधि-
नियम लिखा जायेगा, वास्ते अधिनियम इस न्यायाधिकरण
को भेजा है :-

"Whether the action of the management of Divisional Engineer, Telephones, Bharatpur in terminating the service of workman Shri Millap Singh from 1st December, 1983 when he has worked continuously from 1977 to 30th November, 1983 is legal and justified? If not to what relief the workman is entitled to?"

2291 GI/90-10

2. 1.11.11 पिन निर्देशन इसे इस न्यायाधिकरण में पंजी-
कृत किया गया और उभय पक्षकारण को नोटिस जारी किये
गये। प्रार्थी श्रमिक की ओर से दिनांक 3-10-87 को स्टेट-
मेंट आफ क्लेम निम्न प्रकार से प्रस्तुत किया। यह कि प्रार्थी
श्रमिक मार्च 1977 में टिफिन बाय के रूप में विपक्षी के
यहां काम पर लगा था जिसने 1977 से नवम्बर 1983
तक लगातार टिफिन बाय के रूप में कार्य किया जिसका प्रमाण
पत्र श्री सूरजमल मीणा ने उसे दिया इस संबंध में आगे
व्यक्त किया कि विपक्षी के यहां भरतपुर दूरभाष केंद्र में एक
टिफिन रूप स्वीकृत है, जिसमें ही प्रार्थी श्रमिक ने टिफिन
बाय का कार्य 30-11-83 तक किया जो उसकी सारी कार्य
अवधि में संतोषजनक रहा आगे व्यक्त किया कि बिजली
द्वारा प्रार्थी श्रमिक को 1-12-83 को मौखिक आदेश से
सेवा मुक्त कर दिया जबकि उसकी सेवा समाप्ति का कोई
कारण नहीं बताया गया न ही उसे सेवा समाप्ति के बिन्दु
पर सुना गया। आगे एतराज लिया कि उसकी सेवा समाप्ति
से पूर्व न तो छंटनी का मुआवजा ही दिया न एक माह का
नोटिस दिया न ही नोटिस अवधि के बदले एक माह का वेतन
दिया गया इसलिए प्रार्थी श्रमिक की सेवा समाप्ति 1-12-83
से अवधि होना व्यक्त किया आगे यह भी एतराज लिया कि
टिफिन बाय का वेतन दिनांक 26-9-83 को बढ़कर आया
था जिसमें उसके कर्म करने के आदेश भी थे परन्तु बिजली
ने बी.टी.ओ. ऑफिस के कर्मचारी के भाई राजोदीन पुत्र
गफूर को लगाने के लिए उसे हटा दिया। प्रार्थी श्रमिक को
हटाकर राजोदीन को 650 रु. मासिक वेतन दिया गया जो
राजोदीन विपक्षी के यहां आज तक भी कार्यरत है। आगे यह
भी व्यक्त किया कि दिनांक 30-11-83 से 12 माह पहले
तक 300 दिन से अधिक लगातार कार्य किया। आगे यह भी
एतराज लिया कि प्रार्थी को सेवा से अलग करने की कार्यवाही
एक अनुचित श्रम नीति व विक्टोमाइजेशन कृत्य था।
इस संबंध में एक और और यह एतराज लिया कि प्रार्थी
की सेवा समाप्ति से पूर्व कोई वरिष्ठता सूची औद्योगिक विवाद
(केन्द्रीय) नियम 1957 के नियम 77 के तहत जारी नहीं
की और प्रार्थी से एकनिष्ठ व्यक्ति श्री मुन्शी पुत्र रफू को
सेवा में रखे रखने से "पहले आये पीछे जाये" के सिद्धांत
का उल्लंघन हुआ। उसके कार्यकाल के दौरान प्रार्थी श्रमिक
से टिफिन बाय के साथ-साथ चाय बनवाने का भी काम लिया
जाता था; वैसे भी प्रार्थी के साथ विपक्षी ने धोखाधड़ी
की है कि प्रार्थी के नाम पर दिसम्बर 15 सन् 1983 तक
का वेतन उठाया गया है जबकि प्रार्थी के वेतन लेने पर
हस्ताक्षर नहीं हैं। वास्तव में प्रार्थी को सेवा तो 1-12-83
से समाप्त कर दी गई थी अतः प्रार्थना को कि उसकी सेवा
समाप्ति दिनांक 1-12-83 को अनुचित एवं अवधि घोषित
की जावे श्रमिक प्रार्थी की सेवा समाप्ति से सेवा में पुनः
बहाल किये जाने तक पूर्ण वेतन भत्ते सहित पिछले देय लाभ
दिलाये जायें।

3. मण्डल अभियंता तार टेलीफोन्स भरतपुर की ओर
से श्री बी.एल. अरोड़ा ने स्टेटमेंट आफ क्लेम का उत्तर निम्न-

प्रकार से पेश किया है। यह कि प्रार्थी का यह कहना कि वह 1977 से टिफिन बाय का कार्य अप्रार्थी के यहां कर रहा है सही नहीं है बल्कि सही यह होना कहा कि प्रार्थी श्रमिक माह मई सन् 78 से टिफिन बाय का कार्य कर रहा है। यह स्वीकार किया कि माह नवम्बर, 83 तक उसने विपक्षी कार्यालय में कार्य किया। विपक्षी ने स्टेटमेंट आफ क्लेम के पैरा सं० 4 और 5 को स्वीकार किया क्रमशः यह अंकित था कि प्रार्थी श्रमिक ने 30-11-83 तक कार्य किया जो सहायक श्रम प्रायुक्त के यहां विपक्षी ने स्वीकार किया। इस तथ्य को भी स्वीकारा कि विपक्षी के यहां भरतपुर घूरभाष केंद्र में एक टिफिन रुम है और प्रार्थी श्रमिक ने टिफिन बाय का कार्य टिफिन रुम में 30-11-83 तक किया। आगे यह एतराज लिया कि प्रार्थी श्रमिक का काम एवं व्यवहार कभी संतोषजनक नहीं रहा और इस संबंध में यह भी व्यक्त किया कि इसे 7-8-82 व 15-6-83 को अपना काम ठीक ढंग से करने व समय पर आने के लिए हिवायत वी गई। आगे यह एतराज किया कि प्रार्थी मिक अस्थाई मजदूर था। उसकी नियुक्ति किसी स्थाई पद के रिक्त स्थान पर नहीं की गई थी। नियमानुसार अस्थाई मजदूर को डिस्चार्ज व रिट्रेन्समेंट नोटिस देने का आदेश नहीं है आगे यह एतराज भी लिया कि प्रार्थी स्वयं 1-12-83 से निरन्तर कार्यालय से अनुपस्थित रहा। इस प्रकार अप्रार्थी ने प्रार्थी की न तो छंटनी ही की न ही उसकी सेवा समाप्त करने का आदेश दिया। आगे यह भी व्यक्त किया कि अप्रार्थी को अपने कार्यालय के काम सुचारु रूप से चलाने के लिए दिनांक 16-12-83 को प्रार्थी के स्थान पर दूसरे श्रमिक की भर्ती करनी पड़ी जो ऐसा करना उचित था। प्रार्थी के इस कथन को स्वीकार किया कि टिफिन बाय का वेतन 26-9-83 से बढ़ा दिया गया था प्रार्थी ने इस बढ़े हुए वेतन के अनुसार दिनांक 26-9-83 से 30-9-83 तक के अन्तर को वेने से कभी इन्कार नहीं किया है। विपक्षी की ओर से श्री राजोद्घीन का उनके यहां कार्यरत होना स्वीकार किया जिसे अपना नियमानुसार वेतन दिया जा रहा है। अप्रार्थी की ओर से यह स्वीकार किया गया है कि प्रार्थी ने 30-11-83 से पूर्व 12 महीने में 300 दिन से अधिक लगातार कार्य किया था। अंत में प्रार्थना की कि प्रार्थी का स्टेटमेंट आफ क्लेम निरस्त किया जावे।

4. प्रार्थी ने अपने क्लेम की सम्पुष्टि में स्वयं का शपथ पत्र प्रस्तुत किया जिसे न्यायाधिकरण द्वारा सत्यापित किया गया। विपक्षी की ओर से प्रार्थी श्रमिक से जिरह की गई। विपक्षी की ओर से श्री सूरजमल मीणा का शपथ पत्र प्रस्तुत किया गया जिसे न्यायाधिकरण द्वारा सत्यापित किया गया। गवाह से प्रार्थी श्रमिक के अधिकृत प्रतिनिधि ने जिरह की। मैंने बहस योग्य अधिकृत प्रतिनिधि प्रार्थी श्रमिक एवं योग्य अधिकृत विपक्षी नियोजक सुनी है। पत्रावली का ध्यानपूर्वक अवलोकन किया।

5. इस न्यायाधिकरण के समक्ष विचारणीय प्रश्न निम्न प्रकार से कायम किये जाते हैं कि —

1—आया कि प्रार्थी श्रमिक मिलाप सिंह की सेवा समाप्ति दिनांक 30-11-83 से एक कलेण्डर वर्ष पूर्व में उसने 240 दिन से अधिक निरन्तर कार्य करने वाला औद्योगिक कर्मकार हो गया था ?”

2—क्या प्रार्थी की सेवा समाप्ति छंटनी की परिभाषा में आती है ?

3—क्या प्रार्थी की छंटनी एक अवैध छंटनी थी ?

4—आया मीजूषा प्रकरण में धारा 25 (जी) और 25 (एच) का उल्लंघन किया गया या नहीं ?

5—अनुतोष।

6—उपरोक्त पांचों प्रश्नों को निर्णय करने के लिए एक एक करके गौर करना है —

विवाद बिन्दु नं. 1 :

7—यह विचारणीय बिन्दु प्रार्थी की सेवा समाप्ति तिथि से पूर्व एक कलेण्डर वर्ष में 240 दिन से अधिक निरन्तर कार्य कर उसका “औद्योगिक कर्मकार” होने के संबंध में है। इस संबंध में प्रार्थी श्रमिक मिलाप सिंह ने उसके शपथ पूर्व ब्यान में कहा कि से अप्रार्थी 1-12-83 से पूर्व 12 माह में 340 दिन से अधिक सेवा की। इस संबंध में उसने यह भी लिखाया कि उसकी सेवा विपक्षी द्वारा दिनांक 1-12-83 से समाप्त कर दी गई है। जिरह में इस संबंध में उसने लिखाया कि 1-12-83 को उसकी सेवा समाप्ति का कोई लिखित में आदेश नहीं दिया गया था बिना आदेश के ही जबानी उसने कह दिया था कि आपकी सेवा खत्म है। इस संबंध में विपक्षी के गवाह श्री सूरज मल मीणा ने उसकी जिरह में इस प्रकार स्वीकार किया है कि “मई 78 से नवम्बर 83 तक यह टेलीफोन्स एक्सचेंज में टिफिन बाय के पद पर अस्थाई काम कर रहा था यह दैनिक वेतन भोगी कर्मचारी थी यह ठीक है कि मिलाप सिंह को 30 दिन पूरे काम करने के बाद माह भर माह वेतन मिलता था। इस प्रकार विपक्षी के गवाह सूरजमल मीणा की साक्ष्य से यह तथ्य निःसंदेह प्रमाणित हो जाता है कि प्रार्थी की सेवा 30 नवम्बर सन 83 को समाप्त की गई थी। यानि उसने 30 नवम्बर 83 तक टेलीफोन्स एक्सचेंज भरतपुर में टिफिन बाय के पद पर कार्य किया था। प्रार्थी श्रमिक ने आपकी सेवा मार्च 77 से 30 नवम्बर तक लगातार कार्य किया जाना लिखाया है। विपक्षी की ओर से ऐसा कोई प्रलेख पेश नहीं किया गया जिससे कि प्रार्थी का मार्च 77 से काम न करना जाहिर होता हो। इस प्रकार प्रार्थी श्रमिक के ब्यान को अधिक महत्वपूर्ण मानते हुए यह तथ्य प्रमाणित होना स्वीकार किया जाता है कि प्रार्थी श्रमिक मिलाप सिंह ने मार्च 77 से 30 नवम्बर 83 तक बतौर टिफिन बाय के भरतपुर टेलीफोन एक्सचेंज में काम किया। सन 1983 लेब, आई. सी. 135 केरला उच्च न्यायालय में यह विनिश्चित किया गया है कि डाक व तार विभाग एक “उद्योग” है। इसमें कोई संदेह नहीं है कि डाक व तार विभाग का कई विनिश्चयनों में “उद्योग” करार दिया जा चुका है। विपक्षी की ओर से उत्तर क्लेम में यह डिफेंस प्ली ली गई है कि दिनांक 1-12-83 के

पश्चात् प्रार्थी श्रमिक स्वयं काम पर नहीं आया और वह स्वतः ही काम छोड़ कर चला गया। इस संबंध में विपक्षी के गवाह सूरज मल ने यह भी व्यक्त किया है "प्रार्थी स्वयं अपनी इच्छा से बिना विभाग को सूचना दिये व किसी प्रकार की कोई प्रार्थनापत्र दिये बिना दिनांक 30 नवम्बर 1983 के पश्चात् ड्यूटी पर नहीं आया"। मगर इस गवाह का कथन सही प्रतीत नहीं होता है क्योंकि इस गवाह ने अपनी जिरह में यह माना है कि "30 नवम्बर के बाद मिलाप सिंह के भाई ने तो काम किया और उसका वेतन मिलाप सिंह को दिया गया। 15 दिसम्बर सन् 83 की पेमेन्ट दिये जाने की रसीद मैंने मिलाप सिंह से ली थी"। जब 15 नवम्बर सन् 83 तक की रसीद गवाह सूरजमल के द्वारा प्रार्थी श्रमिक से लेना जाहिर हुई है तो उसका यह कहना स्वतः ही गलत हो जाता है कि मिलाप सिंह 30 नवम्बर के बाद स्वयं काम छोड़ कर कहीं चला गया था। यह भी आश्चर्य की बात है कि प्रार्थी श्रमिक को हटा कर विपक्षी ने कार्य मिलाप सिंह के भाई से लिया और 1-12-83 से 15-12-83 तक की पेमेन्ट मिलाप सिंह को दी। मिलाप-सिंह ने उसके साथ पूर्व बयान में यह स्पष्टतः कहा है कि 1-12-83 को उसकी सेवा समाप्त कर दी थी। इस प्रकार विपक्षी के द्वारा प्रतिरक्षा में ली गई यह प्ली स्वीकारनीय नहीं है कि प्रार्थी श्रमिक स्वतः ही नौकरी छोड़कर चला गया था और उन्होंने उसकी सेवा समाप्त नहीं की। यदि ऐसा होता तो प्रार्थी श्रमिक क्यों तो विवाद उठाता और क्यों इस कवर लम्बी मुकदमेंबाजी में पड़ता। उसका न्याय इस तथ्य बोरे में विषयसनीय है कि विपक्षी द्वारा ही उसकी सेवा समाप्त 1-12-83 को की थी। इस प्रकार विवादित बिन्दु सं. 1 प्रार्थी श्रमिक के पक्ष में इस प्रकार निर्णित किया जाता है कि उसकी सेवा समाप्त 1-12-83 से पूर्व एक कलेण्डर वर्ष में वह 240 दिन से अधिक निरन्तर कार्य करने वाला औद्योगिक कर्मकार हो गया था।

विवादित बिन्दु सं. 2 एवं 3 :

8- विवादित बिन्दु सं. 2 व 3 यह है कि श्रमिक की सेवा समाप्ति छंटनी की परिभाषा में आती है या नहीं और यदि छंटनी की परिभाषा में आती है तो क्या छंटनी वैध थी या अवैध? यह निर्विवाद है कि 1-12-83 को प्रार्थी श्रमिक को सेवा में नहीं रखा था और उसकी सेवा समाप्ति कर दी थी। चूंकि प्रार्थी श्रमिक की सेवा इन चार कारणों में से किसी भी कारण के तहत नहीं की गई थी यानि न तो उसके विरुद्ध कोई अनुशासनात्मक कार्यवाही के कारण उसकी सेवा समाप्ति की गई न ही निरन्तर बीमारी से रोगग्रस्त होने के कारण उसकी सेवा समाप्ति की गई न ही अधिकांशता की आयु पर पहुंचने के कारण ऐसा किया गया न ही उसकी सेवा की संविदा के तहत एक निश्चित अवधि के लिए थी और उस निश्चित अवधि की समाप्ति पर की गई। इन चारों कारणों के प्रतिरिक्त यदि प्रार्थी श्रमिक की सेवा किसी प्रकार से भी समाप्त की जाती है तो वह छंटनी की परिभाषा में आती है। इस प्रकार प्रार्थी श्रमिक मिलाप सिंह को जो 30-11-83 के पश्चात् सेवा से हटाया गया वह सेवा

छंटनी की परिभाषा में आती है। यह बखूबी प्रमाणित है कि प्रार्थी की सेवा समाप्ति से पूर्व न तो उसे एक माह का नोटिस दिया गया न ही नोटिस अवधि का उसे वेतन दिया गया और न ही छंटनी का मुआवजा दिया गया। केवल विपक्षी की ओर से यह प्रतिरक्षा रखी गई है कि प्रार्थी श्रमिक एक अस्थायी दैनिक भत्ता भोगी कर्मचारी था इसलिए उसे धारा 25 (एफ) अधिनियम के प्रावधानों के तहत नोटिस देना या छंटनी का मुआवजा देना आवश्यक नहीं था। मगर मैं प्रार्थी की इस बहस से सहमत नहीं हूं। यदि किसी दैनिक वेतन भोगी कर्मचारी या अस्थायी कर्मचारी को जिसने कि एक कलेण्डर वर्ष में 240 दिवस से अधिक कार्य कर लिया हो उसको हटाये जाने से पूर्व धारा 25एफ अधिनियम के प्रावधान की पूर्ति किया जाना आवश्यक है मगर मौजूदा केस में प्रार्थी श्रमिक को सेवा से हटाये जाने से पूर्व धारा 25एफ के प्रावधानों की पूर्ति नहीं की गई है। इसलिए प्रार्थी की छंटनी अवैध थी। 1987 लेब. आई. सी. 307 में यह विनिश्चित किया गया है कि जहां कर्मचारी उसके कार्य से बिना स्वीकृति के अनुपस्थित हो गया हो वहां भी प्राकृतिक न्याय के सिद्धान्त के अनुसार उसको सुनवाई का अवसर दिया जाना आवश्यक होता है। और जहां उसे सुनवाई का अवसर नहीं दिया गया हो तो भी सेवा समाप्ति अवैध पाई जाती है। मौजूदा प्रकरण में एक जगह यह भी कहा गया है कि प्रार्थी की सेवा संतोषजनक नहीं थी। मगर इस प्रकार का कोई चार्जशीट प्रार्थी श्रमिक को नहीं दी गई महज यह वह देना पर्याप्त नहीं है कि उसका कार्य संतोष जनक नहीं था। इससे विपक्षी को कोई लाभ नहीं पहुंचता है और उपरोक्त विवेचन के आधार पर विवादित बिन्दु सं. 2 व 3 प्रार्थी श्रमिक के पक्ष में इस प्रकार निर्णित किया जाता है कि प्रार्थी श्रमिक की जो सेवा समाप्त 1-12-83 को की गई वह छंटनी की परिभाषा में आती है और उसको छंटनी अवैध तौर से पाई जाती है।

विवाद बिन्दु सं. 4 :

9- विवादित बिन्दु सं. 4 के संबंध में प्रार्थी श्रमिक मिलाप सिंह ने उसके शपथ पूर्वक बयान में यह कहा है "यह कि 1-12-83 को विपक्षी के अधीन मुन्शी पुत्र गफूर प्रार्थी श्रमिक से जरिये टिफिन बाय के पद पर कार्यरत थे, अतः प्रार्थी की सेवा समाप्ति धारा 25(जी) अधिनियम के उल्लंघन में थी। और आगे यह भी लिखाया है कि "प्रार्थी के स्थान पर आज भी प्रार्थी से जूनियर राजुदीन पुत्र गफूर विपक्षी के यहां टिफिन बाय के पद पर कार्यरत है। गोया कि प्रार्थी श्रमिक की साध्य से यह जाहिर हुआ कि प्रार्थी श्रमिक को सेवा से हटाने समय उससे कनिष्ठ मुन्शी पुत्र गफूर को सेवा में रख लेगा और उसे सेवा से हटाने के पश्चात् श्री राजुदीन पुत्र गफूर को उनके स्थान पर लगाया गया। जबकि उसे नहीं हटाया गया। इस संबंध में विपक्षी के गवाह सूरजमल मोणा ने उसकी जिरह में यह स्वीकार किया है कि मिलाप सिंह को हटाकर के "हमने मुन्शी की नियुक्ति की थी" गोया कि प्रार्थी श्रमिक मिलाप सिंह को हटाकर मुन्शी की नियुक्ति करने का गवाह सूरजमल सैने को मान

लिया और प्राप्ति इन तथ्यों को भी माना कि प्राप्ति श्रमिक के स्थान पर कैंटीन का कार्य चलाने के लिए अन्य व्यक्ति को रखना नितान्त आवश्यक हो गया था इसलिए प्राप्ति श्रमिक के स्थान पर नहीं नियुक्त की। और श्री राजूदीन को उसके स्थान पर नियुक्त किया। प्राप्ति की साक्ष्य से यह प्रमाणित हो जाता है कि प्राप्ति श्रमिक को हटाये जाने से पूर्व औद्योगिक विवाद केन्द्रीय नियमों 1957 के नियम 77 और धारा 25(जी) का उल्लंघन किया गया। न तो प्राप्ति श्रमिक की सेवा समाप्ति से 7 दिन पूर्व कोई बरिष्ठता सूची प्राप्ति जैसे श्रमिकों की निकाली गई न ही पहले आये पीछे जाये के सिद्धान्त का पालन किया गया ऐसी सूरत में प्राप्ति श्रमिक को हटाने समय धारा 25 (जी) अधिनियम एवं नियम 77 औद्योगिक विवाद केन्द्रीय अधिनियम 1957 का उल्लंघन पाया जाता है। साक्ष्य से यह भी प्रमाणित हुआ है कि प्राप्ति श्रमिक की सेवा समाप्ति के पश्चात् राजूदीन पुत्र गफूर को सेवा में नियोजित किया गया है जबकि प्राप्ति श्रमिक को दुबारा सेवा में आने के लिए प्रवर्धन नहीं दिया गया, ऐसी सूरत में इस विवाद में धारा 25 (एच) का भी उल्लंघन किया जाना पाया जाता है। इस प्रकार विवादित बिन्दु सं. 4 प्राप्ति श्रमिक के पक्ष में निर्णीत किया जाता है।

अनुतोष :

10. चूकि बिन्दु सं. 2, 3, 4, के निर्णय के फलस्वरूप प्राप्ति श्रमिक की सेवा समाप्ति अवधि छंटनी पाई गई है और उसकी सेवा समाप्ति अवधि एवं अनुचित पाई जाती है। अप्राप्ति नियोजक की ओर से ऐसा कोई प्रमाणित नहीं किया गया है कि प्राप्ति श्रमिक इस अवधि में किसी गैरफुल एम्प्लाय-मेंट पर रहा हो इसलिए प्राप्ति श्रमिक की सेवा समाप्ति का आदेश निरस्तनीय पाया जाता है और वह पुनः सेवा में वेतन व अन्य सभी लाभों सहित बहाल होने का अधिकारी पाया है।

अवधि

यह कि प्रबंध तन्त्र मण्डल अभियंता (टेलीफोन्स) भरतपुर के द्वारा श्री मिलाप सिंह की सेवा समाप्ति 1-12-83 को किये जाने का कृत्य अवधि एवं अनुचित पाया जाता है। श्री मिलाप सिंह पुत्र श्री मिश्र सिंह उसकी सेवा समाप्ति से पूर्ववत पद पर वेतन पर बहाल होने का अधिकारी है। प्राप्ति श्रमिक सेवा समाप्ति की तिथि से पुनः सेवा में बहाल किये जाने की तिथि तक की बीच की अवधि का वेतन भत्तों सहित प्राप्त करेगा। और यदि इस अवधि में अन्य कोई लाभ और अर्जित हुए हैं तो यह भी पाने का अधिकारी होगा। इसकी सेवा की निरन्तरता कायम रखी जायेगी। उक्त आशय का पंचाट पारित किया जाता है, जिसे केन्द्रीय सरकार को वास्ते प्रकाशनार्थ अंतर्गत धारा 17(1) अधिनियम भेजा जावे।

प्रताप सिंह यादव, न्यायाधीश

[संख्या एल-40012/13/86-डी. 2 (बी) (पाटं)]

का.आ. 2368—औद्योगिक विवाद अधिनियम, 1947 (1974 का 14) को धारा 17 के अनुसरण में, केन्द्रीय

सरकार वैस्टर्न रेलवे एडमिनिस्ट्रेशन अजमेर डिवीजन, अजमेर के प्रबंधतंत्र के संबद्ध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निविष्ट औद्योगिक विवाद में औद्योगिक अधिकरण जयपुर के पंचपट को प्रकाशित करती है, जो केन्द्रीय सरकार को 16-8-90 को प्राप्त हुआ था।

S.O. 2368.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award of the Industrial Tribunal, Jaipur as shown in the Annexure, in the industrial dispute between the employers in relation to the management of Western Railway Admn. Ajmer Division and their workmen, which was received by the Central Government on 16-8-1990.

अनुबंध

केन्द्रीय औद्योगिक न्यायाधिकरण, जयपुर

केस नं. सी.आई.टी. 62/87

भारत सरकार, श्रम मंत्रालय, नई दिल्ली की अधिसूचना संख्या एल. 33 (29)/86-कन. I दिनांक 1-9-89

श्री मीठालाल पुत्र श्री रतन लाल बडगूजर, मं.नं. 350, रूप नगर रोड, गणेश नगर, उदयपुर।

.....प्राप्ति पक्ष

बनाम

1. डिवीजनल रेलवे मैनेजर, वैस्टर्न रेलवे, अजमेर।
2. डिवीजनल मैकेनिकल इंजीनियर, अजमेर डिवीजन, वैस्टर्न रेलवे, अजमेर।

.....अप्राप्ति पक्ष

उपस्थिति

माननीय श्री प्रताप सिंह यादव, आर.एच.जे.एस.

प्राप्ति पक्ष की ओर से श्री बसन्ती लाल असावा
अप्राप्ति रेलवे की ओर से : श्री बी.एस. माथुर
दिनांक अवधि : 22-7-89

अवधि

भारत सरकार, श्रम मंत्रालय, नई दिल्ली के डैस्क आफिसर ने अपनी अधिसूचना संख्या एल-33 (29) 86-कन.-I दिनांक 1-9-87 द्वारा निम्नलिखित विवाद इस न्यायाधिकरण को वास्ते अधिनिर्णयार्थ प्रेषित किया है :

"Whether the action of the Western Railway Administration Ajmer Division, Ajmer in dismissing Shri Mithalal Badgujar First Fireman from service w.e.f. 5th August, 1982 is legal and justified? If not, what relief and from what date, the concerned workman is entitled to?"

बाद प्राप्ति निर्देशन इसे इस न्यायाधिकरण में पंजीकृत किया गया और उभय पक्षकारान का नोटिस जारी किये गए। प्राप्ति मीठा लाल ने उसकी सेवा समाप्ति के सम्बन्ध में अपना स्टेटमेंट आफ क्लेम निम्न प्रकार से प्रस्तुत किया।

यह कि प्राप्ति श्रमिक विपक्षी के अधीन दिनांक 21-4-58 का कार्यरत हुआ और उसने दिनांक 5-8-82 तक बतौर प्रथम फायरमैन के लोको राणा प्रताप नगर में कार्य किया और विपक्षी ने उनके आदेश क्रमांक ई.एम.ए/308/7/79/

(एम.ए.जे.) दिनांक 5-8-82 के द्वारा उसके सेवा से हटाया। आगे स्टेटमेंट आफ क्लेम में यह व्यक्त किया कि अप्रार्थी रेलवे प्रशासन का सेवा समाप्ति का आदेश निम्न कारणों से अवैध एवं नियम विरुद्ध था।

यह कि प्रार्थी श्रमिक दिनांक 7-2-78 से अनधिकृत रूप से उसे सेवा से उपस्थित रहना बताया गया और उसका डी.ए.आर. इन्क्वायरी में भाग लेने में अनिच्छुक होना जाहिर किया और अनधिकृत अनुपस्थित होना व्यक्त किया। इस सम्बन्ध में आगे यह भी व्यक्त किया कि जबकि प्रार्थी श्रमिक के विरुद्ध डी.ए.आर. इन्क्वायरी प्रारम्भ की गई तो उसने इस इन्क्वायरी में भाग लिया किन्तु प्रार्थी श्रमिक ने इन्क्वायरी आफिसर से निवेदन किया कि वह एक कान से पूर्णतः बहरा है तथा दूसरे कान से बिना हियरिंग एड के ठीक प्रकार से नहीं सुन सकता है। इसलिए उसने यह प्रार्थना की थी कि उसे हियरिंग एड किसीप्लीनरी अधिकारी से प्रदान कराई जावे क्योंकि प्रार्थी श्रमिक सन 1978 में ही मानसिक व्याधि से पीड़ित हो गया तथा लम्बे समय तक उसका उपचार प्राइवेट डाक्टर व सार्वजनिक चिकित्सालय उदयपुर में चलता रहा। साथ ही श्रवण शक्ति क्षीण हो जाने के बीमारी भी उसे हो गई तथा उसका भी उसने उपचार कराया। इन व्याधियों के उपचार में उसका काफी रुपया खर्च करना पड़ा तथा इस अवधि में वह बिना खेतन के रहा और हियरिंग एड बाजार से खरीदना उसके लिए असम्भव था। इस प्रकार की प्रार्थी श्रमिक की हस्तदुआ इन्क्वायरी आफिसर ने नहीं मानी इस कारण से प्रार्थी श्रमिक इन्क्वायरी में भाग नहीं लेने के लिए विवश हो गया और पूरी इन्क्वायरी उसके पीछे से उसे बिना अवसर दिए की गई। शहादत सबूत पेश करने से वह वंचित रह गया और यह विपक्षी द्वारा की गई सारी कार्यवाही प्राकृतिक न्याय के सिद्धान्त के विरुद्ध थी क्योंकि विपक्षी के गवाहों से वह जिरह नहीं कर सका। आगे यह व्यक्त किया कि प्रार्थी श्रमिक दिनांक 7-2-78 से जान बूझ कर स्वेच्छा से व अनधिकृत रूप से अनुपस्थित नहीं रहा। इस सम्बन्ध में यह भी लिखा कि वह मानसिक व्याधि श्रवण शक्ति क्षीण होने के कारण उपचारार्थ प्राइवेट डाक्टरों और सार्वजनिक चिकित्सालय में भरती रहा। जब प्रार्थी स्वास्थ्य का प्रमाण पत्र लेकर उपस्थित हुआ। ऐसी परिस्थिति में प्रार्थी के द्वारा अप्रार्थी का सूचना दिया जाना चाहिए था। आगे व्यक्त किया कि प्रार्थी श्रमिक मानसिक व्याधि से ठीक होने के उपरान्त ए.डी.एम.आई.सी.आर. पी.जेड. के दफ्तर में फिटनेस सर्टिफिकेट के साथ उपस्थित हुआ जिन्होंने प्रार्थी को डिबीजनल मेडिकल आफिसर अजमेर को जांच हेतु निर्देशित किया। डिबीजनल मेडिकल आफिसर अजमेर ने जगजीवनराम अस्पताल बम्बई सेन्द्रल श्रवण शक्ति की जांच के लिए निर्देशित किया। वहां पूरी जांच होने के पश्चात् रिपोर्ट प्रेषित हुई कि प्रार्थी एक कान से पूर्णतः बहरा हो गया है और दूसरे कान से हियरिंग एड प्रयोग करने पर ही सुन सकता है। डिबीजनल मेडिकल आफिसर

ने भी हियरिंग एड प्रयोग करने की सिफारिश करते हुए डिकेटीगरीजेशन किए जाने की राय दी। किन्तु डिबीजनल मेडिकल आफिसर ने यह और जोड़ दिया कि प्रार्थी ने हियरिंग एड काम में लेने से मना कर दिया। आगे यह व्यक्त किया कि प्रार्थी श्रमिक ने डिबीजनल मेकेनिकल इंजीनियर (एल.) को दिनांक 19-2-82 के पत्र प्रेषित कर उपरोक्त तथ्यों का वर्णन करते हुए सहायता की याचना की थी परन्तु रेलवे प्रशासन ने कोई सहायता नहीं दी। इस सम्बन्ध में प्रार्थी की ओर से यह अभिवचन रखा कि यदि प्रार्थी अनधिकृत रूप से 7-2-78 से अनुपस्थित इतनी लम्बी अवधि के लिए था तो विपक्ष क्यों मौन ब उदासीन रहा। इस सम्बन्ध में अप्रार्थी प्रबन्धकों ने उसे न तो कोई नोटिस दिया न वार्निंग दी। आगे यह व्यक्त किया कि प्रार्थी श्रमिक 22 वर्षों से अधिक समय से विपक्षी के अधीन सेवारत रहा है। उसके विरुद्ध एकतरफा कार्यवाही की जाकर उसे सेवा के लाभों यानि पेंशन ग्रेजुटी से वंचित कर दिया जो बहुत अधिक सजा थी। प्रार्थी श्रमिक ने उसकी सेवा समाप्ति के विरुद्ध अपील की व नजर सानी में पिटीशन भी पेश की परन्तु उस पर कोई सुनवाई नहीं की गई। आगे यह जाहिर किया कि प्रार्थी श्रमिक को अवैध हटाने के दिनांक 5-8-82 से वह डी.आर. इन्क्वायरी के दौरान स्टेटमेंट आफ क्लेम पेश करने की दिनांक तक की अवधि में वह बेरोजगार रहा। अंत में प्रार्थना की कि उसकी सेवा समाप्ति के आदेश को अवैध करार देकर निरस्त किया जावे और उसे सेवा में निरन्तर माना कर दिनांक 7-2-78 से बहाल करने की तिथि तक पूरा खेतन विलाया जावे।

अप्रार्थीगण की ओर से वरिष्ठ मण्डल मेकेनिकल इंजीनियर पश्चिमी रेलवे अजमेर द्वारा स्टेटमेंट आफ क्लेम का उत्तर निम्न प्रकार से प्रस्तुत किया :—

यह कि प्रार्थी दिनांक 21-4-58 से खलासी क्लीनर के पद पर भर्ती होना स्वीकार किया और आदेश दिनांक 5-8-82 के द्वारा उसे फायरमैन द्वितीय के पद से निरन्तर अनुपस्थित रहने के कारण हटा दिया गया। आगे जाहिर किया कि प्रार्थी को अनधिकृत रूप से 7-2-78 से सेवा से अनुपस्थित रहने के कारण आरोप पत्र दिया गया और विधिवत जांच करने के पश्चात् उसे रेल सेवा से निष्कासित किया गया। आगे यह भी ऐतराज लिया कि प्रार्थी श्रमिक का यह कहना गलत है कि विभागीय जांच के दौरान उसे सुविधाएं उपलब्ध नहीं कराई गई। आगे यह भी व्यक्त किया कि प्रार्थी ने विभागीय अपील मण्डल रेल प्रबन्धक अजमेर को प्रस्तुत की जो मण्डल रेल प्रबन्धक अजमेर ने सारी स्थिति को ध्यान में रखते हुए आदेश दिनांक 29-8-83 द्वारा निरस्त कर दी। प्रार्थी ने इस आदेश को कोई चुनौती नहीं दी। जहां तक प्रार्थी को हियरिंग एड दिए जाने का प्रश्न है यह प्रार्थी का निजी मामला है और प्रशासन प्रार्थी श्रमिक के हियरिंग एड देने के लिए बाध्य नहीं था। प्रार्थी

ने उसकी बीमारी के बारे नियमानुसार सूचना नहीं दी व प्रमाण पत्र प्रस्तुत नहीं किया। प्रार्थी को सभी बातें जांच अधिकारी के समक्ष प्रस्तुत करनी चाहिए थी। प्रार्थी ने जांच कार्यवाही के दौरान अथवा उससे पूर्व कभी भी अपनी बीमारी बारे कोई सूचना प्रशासन को नियमानुसार नहीं दी। जांच अधिकारी प्रार्थी को हर प्रकार का मौका दिया परन्तु वह केवल दो तिथियों में ही उपस्थित हुआ फिर उपस्थित नहीं हुआ। प्रार्थी के विरुद्ध एक लम्बे समय तक अनुपस्थित रहने का आरोप सिद्ध नहीं पाया गया इसलिए ऐसे मामले में समझौता करना भुनासिब नहीं था इसलिए प्रार्थना की कि प्रार्थी का प्रार्थना पत्र निरस्त किया जावे।

दिनांक 25-3-89 को उदयपुर कैम्प में बकुलाए उभय पक्षकारान की बहस बाबत इन्क्वायरी बाबत घरेलू जांच प्रोपर एवं फेयर होने सम्बन्धी सुनी गई। बाद बहस घरेलू जांच प्रोपर एवं फेयर होना पाई गई। उसके पश्चात प्रार्थी श्रमिक की ओर से बण्ड अननुपातिक होना एवं धारा 11 (ए) अधिनियम के तहत प्रार्थी श्रमिक को अनुपातिक बण्ड दिए जाने के सम्बन्ध में बहस की। इस सम्बन्ध में योग्य अधिवक्ता प्रार्थी श्रमिक ने बहस की कि बण्ड दिए जाने के सम्बन्ध में जो तथ्य एवं साक्ष्य रिकार्ड पर है उसे यह न्यायाधिकरण गौर कर सकता है। अननुपातिक बण्ड को भी कम करने का अधिकार इस न्यायाधिकरण को है। इस सम्बन्ध में योग्य अधिवक्ता प्रार्थी ने ए.आई.आर. 1974 सुप्रीम कोर्ट पृष्ठ 696 पर अवलम्ब किया। स्वान्टम आफ पनिशमेंट के सम्बन्ध में योग्य अधिवक्ता ने 1974 सुप्रीम कोर्ट पेज 1227 पर अवलम्ब किया। इस सम्बन्ध में योग्य अधिवक्ता प्रार्थी श्रमिक ने बहस की कि जहां न्यायाधिकरण श्रमिक के दुष्चरित्र को प्रमाणित होना स्वीकार कर लेता है और जहां विस्टीमोईजेशन की प्ली भी प्रमाणित नहीं होती है वहां भी न्यायाधिकरण को बण्ड को कम करने का अधिकार प्राप्त है। इस सम्बन्ध में योग्य अधिवक्ता प्रार्थी श्रमिक ने प्रथम एल.एल.जे. श्री गणेशी एल्फूमनियम फैक्टरी बनाम औद्योगिक न्यायाधिकरण, मद्रास पृष्ठ 109 पर अवलम्ब किया जिसके पैरा 4 में यह विनिश्चित किया गया।

Under S. 11A, the Tribunal had the liberty to consider not only whether the finding of misconduct as recorded by the management, is correct but also to differ from such a finding if a proper case is made out. If ultimately, the Tribunal comes to the conclusion that the misconduct is proved, all the same it could interfere with the punishment if the punishment was considered to be not justified even on the finding of misconduct (vide workmen of Firestone Tyre and Rubber Co. V. Management, 1973-1 L.L.J., 278).

इसके अतिरिक्त प्रथम एल.एल.जे. सैनेजमेंट आफ बिन्नी लि. बनाम एडीशनल सेबर कोर्ट मद्रास पृष्ठ 280 पर अवलम्ब करते हुए योग्य अधिवक्ता ने बहस की कि माननीय मद्रास उच्च न्यायालय ने यह विनिश्चय किया कि जहां

कर्मचारी को घरेलू जांच में दोषी पाया गया और उसे दोषी पाए जाने के कारण डिसमिस किया गया और तत्पश्चात वह विवाद श्रम न्यायालय के समक्ष आया जहां श्रम न्यायालय ने यह निर्णय दिया कि श्रमिक का डिसमिस उचित की गई जांच के आधार पर था परन्तु लेबर कोर्ट ने धारा 11 (ए) अधिनियम के तहत बण्ड को संशोधित किया और तत्पश्चात प्रबन्धकगण ने उस लेबर कोर्ट के अर्वाइ को चुनौती दी माननीय उच्च न्यायालय मद्रास ने यह व्यवस्था की कि इस प्रकार सजा का संशोधन करने में श्रम न्यायालय ने अपनी अधिकारिता की परिधि में कार्य किया और उस अर्वाइ में उच्च न्यायालय मद्रास ने कोई परिवर्तन नहीं किया। इसके अतिरिक्त योग्य अधिवक्ता प्रार्थी श्रमिक ने ए.आई.आर. 1989 सुप्रीम कोर्ट पृष्ठ 149 पर अवलम्ब करते हुए यह बहस की कि जहां अनुशासनात्मक जांच को उचित एवं न्यायसंगत पाया गया और जांच निर्णय किसी भी प्रकार नियम विरुद्ध नहीं था। महज इसी कारण से यह पर्याप्त नहीं है कि श्रम न्यायालय उसे न्याय निर्णय में कोई परिवर्तन न करे। उस विवाद में जहां श्रम न्यायालय ने श्रमिक का पुनः सेवा में बहाल किये जाने व 75 प्रतिशत वेतन दिलाने का आदेश दिया इसको माननीय उच्चतम न्यायालय ने किसी प्रकार अवैध या मनमकसूद निर्णय नहीं कहा है और इस प्रकार जहां जांच उचित एवं न्याय संगत मानी गई और विनिश्चयन किसी प्रकार वृष्टिपूर्ण नहीं था वहां भी श्रमिक को सेवा में तृहाल करना अवैध नहीं था। इसके विरुद्ध योग्य अधिवक्ता रेलवे ने बहस की है कि प्रार्थी श्रमिक को 7-2-78 से 5-8-82 तक लम्बे अरसे तक गैर हाजिर रहने की चार्जशीट थी। इस अवधि के दौरान उसने कोई छुट्टी का प्रार्थना पत्र प्रस्तुत नहीं किया। और चार्जशीट के बाव किसी तरह की छुट्टी का प्रार्थना पत्र नहीं दिया। जांच में प्रार्थी श्रमिक गया तो उसने 19-12-81 को कह दिया कि वह हार्ड आफ हियरिंग (Hard of hearing) है। तत्पश्चात् 23-3-81 व 27-3-81 को गैर हाजिर हो गया और जांच में भाग नहीं लिया। उसके पश्चात् भी जांच में छः तारीखें और पड़ी। 19-12-81 और 12-3-82 को उसके अधिकृत प्रतिनिधि ने अटैण्ड किया जिसने व्यक्त किया कि प्रार्थी श्रमिक को जगजीवनराम अस्पताल में भेजा गया था। 4-9-81 को वहां से पत्र जारी किया कि प्रार्थी श्रमिक कम सुनता है मगर फिर भी उसने इन्क्वायरी में मशीन लगाने से इंकार किया। जांच अधिकारी ने एक तरफा में जांच नहीं की बल्कि प्रार्थी श्रमिक ने जांच में भाग नहीं लिया। इस प्रकार स्वयं प्रार्थी श्रमिक ने जांच अर्वाइड (avoid) करने का प्रयत्न किया और एक लम्बे अरसे तक बिना छुट्टी स्वीकृत कराए अनुपस्थित रहा। इसलिए सेवा समाप्ति की जांच उचित एवं न्यायसंगत थी।

मौजूदा प्रकरण में यह निश्चिन्त है कि प्रार्थी श्रमिक की मीठालाल ने 21-4-58 से दिनांक 7-2-78 तक निरन्तर रेलवे में सेवा की यानि उसके अनुपस्थित हो जाने तक उसने निरन्तर सेवा की और इस अवधि के दौरान उसे

कोई दण्ड नहीं दिया गया। जांच रिपोर्ट के पैरा 4 से यह स्पष्ट है कि प्रार्थी श्रमिक की ओर से लिखित में ऐसी सूचना दी गई थी कि वह प्राइवेट डाक्टर के जेरेइलाज है और इसी पैरा से यह भी स्पष्ट है कि भिन्न-2 अवसरों पर उसे दिए गए सर्टिफिकेट इन्क्वायरी की जांच में 24 से 28 तक जांच पत्रावली पर है। रेलवे के योग्य अधिवक्ता ने फेयरली यह स्वीकार किया है कि जांच पत्रावली में मेडिकल कालेज उदयपुर के इलज संबंधी प्रलेख और उसके हिस्सर्ज रिपोर्ट की प्रति इसके मामले की सारांश की हिस्सी प्रस्तुत की है व इलाज की पंचियां भी पेश की हैं। यद्यपि प्रार्थी श्रमिक ने इस इलाज के सम्बन्ध में पेश किए गए प्रलेखों को प्रमाणित नहीं कराया मगर इलाज सम्बन्धी इन पंचियों के पेश होने और इनका उल्लेख जांच रिपोर्ट में होने से यह सम्भावना क्लिष्ट नहीं की जाती है कि प्रार्थी बीमार रहा। प्रार्थी स्वयं ने उसके स्टेटमेंट आफ क्लेम में यह व्यक्त किया है कि उसकी मानसिक व्याधि एवं श्रवण शक्ति क्षीण होने की व्याधि से वह पीड़ित रहा और उसने उपचारार्थ प्राइवेट डाक्टरों और सार्वजनिक चिकित्सालयों उदयपुर के मेंटल वार्ड में वह भर्ती रहा। जांच इन्क्वायरी से यह भी स्पष्ट है कि उसे कम सूनता जांच अधिकारी के समक्ष व्यक्त किया था। यद्यपि प्रार्थी श्रमिक के जान बूझकर अनुपस्थित हो जाने के कारण उसके द्वारा प्राइवेट डाक्टर और उदयपुर मेडिकल कालेज में इलाज कराना विशेष तौर से पेश किए गए प्रलेखों को प्रमाणित न कराने के कारण यह स्पष्टतः प्रमाणित नहीं होता कि वह कब से कब तक और कहाँ कहाँ जेरेइलाज रहा। यद्यपि उसका बीमार रहना निसन्देह जाहिर होता है। इसको वृष्टीगोचर करते हुए प्रार्थी की करीब 20 साल की बिना कोई दण्ड की सविस को देखते हुए जो उसको दण्ड दिया गया वह अनानुपातिक पाया जाता है। प्रार्थी श्रमिक के दण्ड में नर्म रख अपनाना उचित एवं न्याय संगत होगा।

अतः आशा है कि प्रार्थी श्रमिक मीठालाल बडगुजर तत्कालीन प्रथम फायरमैन को 5-8-82 को सेवा से हटाया जाने का दण्ड उचित एवं अनुपातिक नहीं था। उसके विरुद्ध अनुशासनात्मक जांच में जानबूझकर अनुपस्थित होने का आरोप प्रमाणित पाए जाने के कारण उसे सेवा समाप्ति का दण्ड दिए जाने की अपेक्षा उसकी लम्बी सेवा को देखते हुए एवं उसकी बीमारी की स्थिति को देखते हुए सजा में परिवर्तन करना निम्न प्रकार से उचित एवं न्याय संगत होगा।

उसकी सेवा समाप्ति का आदेश दिनांक 5-8-82 निरस्त किया जाये उसे जितने समय उसने रेलवे सेवा में काम नहीं किया उस अवधि का वेतन भत्ते सहित जस्त किया जाता है और सेवा में बहाल किया जाकर उसकी 7-2-78 से पुनः सेवा में बहाल करने की तिथि के मध्य का वेतन भत्तों सहित "नौ थक नो पे" के आधार पर जस्त किया जाकर सेवा में बहाल करने की तिथि से ही उसके बहुरेपन को देखते हुए उसे सेवा निवृत्त समझा जावेगा और उसकी सेवाकाल की रकम गई बकाया अवधि के लिए

यानि उसकी सुपर एनीवेशन की तिथि में जो बकाया समय रहा है उसके लिए उसे 20 हजार रुपये मुआवजा रेलवे भुदा करेगी। प्रार्थी द्वारा की गई नियमित सेवा जिसके दौरान पूरे वेतन सहित भत्ता इत्यादि मिला है उस पर वह बनने वाली व पेंशन व अर्जित की गई छुट्टियों का लाभ प्राप्त करेगा। भुवाई की प्रतिलिपि केन्द्रीय सरकार को वास्ते प्रकाशनार्थ अंतर्गत धारा 17 (1) अभिनियम भेजी जाए।

प्रताप सिंह यादव, न्यायाधीश

[सं. एल-33/29/86-का न-1/बी-2 (बी) (पार्ट)]

का.आ. 2369—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार सब डिवीजनल आफिसर (फोन) II पी एंड टी, जोधपुर के प्रबन्धतंत्र के संबंध नियोजकों और उनके कर्मचारों, के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में औद्योगिक अधिकरण, जयपुर के पंचपट को प्रकाशित करती है, जो केन्द्रीय सरकार को 16-8-90 को प्राप्त हुआ हुआ था।

S.O. 2369.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award of the Industrial Tribunal, Jaipur as shown in the Annexure, in the industrial dispute between the employers in relation to the management of Sub-Divisional Officer (Phone) II, P&T, Jodhpur and their workmen, which was received by the Central Government on 16-8-1990.

अनुबंध

न्यायालय केन्द्रीय औद्योगिक न्यायाधिकरण, जयपुर कैम्प जोधपुर
उपस्थित: श्री प्रताप सिंह यादव, आर.एच.जे.एस.

(1) केस सं. सी आई टी 20/86,

मोहन लाल पुत्र श्री अपदाराज मेघवाल ग्राम एवं पोस्ट
सालवास जिला जोधपुर

—प्रार्थी श्रमिक

एवम्

पी एण्ड टी उप मंडल अधिकारी दूरभाष द्वितीय सब डिवीजन
राजस्थान, जोधपुर—अप्रार्थी नियोजक
केस नं० सी आई टी 22/86

—अप्रार्थी नियोजक

(2) रामचन्द्र पुत्र श्री बीजलदास जी नागौरी गेट
के बाहर, जोधपुर

प्रार्थी श्रमिक

एवम्

प्रबन्धक तंत्र पी एंड टी, उप मंडल अधिकारी फोन
द्वितीय, जोधपुर

—अप्रार्थी नियोजक

(3) केस नं. सी आई टी 24/86

ब्रह्मानन्द पुत्र श्री घीसालाल महामंदिर स्टेशन शिव नगर,
जोधपुर —प्रार्थी श्रमिक

एवम्

डाक व तार उप मंडल अधिकारी फोन द्वितीय जोधपुर
—अप्रार्थी नियोजक

रेफरेंस अन्तर्गत धारा 10 (1) खंड व
औद्योगिक विवाद अधिनियम, 1947

उपस्थित : (1) श्री एम. एफ. बेग अधिभूत प्रतिनिधि
प्रार्थी श्रीमकगण

(2) श्री एस.सी. कुलश्रेष्ठ उप मंडल अधिकारी फोन
द्वितीय जोधपुर। विपक्षी नियोजक की ओर से

(3) श्री वाई. के. गुप्ता, जे टी ओ, जोधपुर

(4) श्री एम.एल. शर्मा, जे टी ओ, जोधपुर।

अर्वाइ दिनांक 6-4-1990

भारत सरकार की श्रम मंत्रालय के डेस्क अधिकारी ने उनकी आज्ञा क्रमशः एल-40012/25/85-डी-2(बी) दिनांक 18-5-86, 40012/24/85-डी-2 (बी) दिनांक 17-3-86, एल-40012/26/85-डी-2(बी) दिनांक 24-3-86 निम्न तीन विवाद अन्तर्गत धारा 10(1) (घ) औ. विवाद अधिनियम, 1947 जिसे तत्पश्चात् अधिनियम लिखा जावेगा वास्ते अधिनिर्णय इस न्यायाधिकरण को भेजे गए हैं।

- (1) "क्या डाक व तार, उपमंडल अधिकारी, फोन द्वितीय जोधपुर के प्रबंध तंत्र की श्री मोहनलाल की दिनांक 31-12-84 से सेवाएं समाप्त करने की कार्यवाही वैध व न्यायोचित है ? यदि हो, तो कर्मकार किस अनुतोष का हकदार है ?"
- (2) "क्या डाक व तार उप मंडल अधिकारी फोन द्वितीय जोधपुर के प्रबंध तंत्र का औद्योगिक विवाद अधिनियम के नियम 77 व 78 की धारा 25 व, छ व झ और केन्द्रीय नियमों के उपबन्धों का उल्लंघन करके श्री रामचंद्र को 31-12-84 से सेवाएं समाप्त करना न्यायोचित व वैध है ? यदि हो तो कर्मकार किस अनुतोष का हकदार है ?"
- (3) "क्या डाक व तार उपमंडल अधिकारी फोन द्वितीय जोधपुर के प्रबंध तंत्र की श्री ब्रह्मानन्द की दिनांक 31-12-84 से सेवाएं समाप्त करने की कार्यवाही वैध न्यायोचित है ? यदि नहीं तो कर्मकार किस अनुतोष का हकदार है ?"

उपरोक्त तीनों निर्देशन प्राप्त होने पर उन्हें इस न्यायाधिकरण में पंजीकृत किए गए और उभय पक्षकारान को नोटिस जरिए पंजीकृत डाक दिए गए।

चूंकि इन तीनों विवादों में सामान्य तथ्य और सामान्य विधि के प्रश्न निर्णायक हैं इसलिए एक ही आदेश के जरिए

इन तीनों निर्देशनों में अर्वाइ एक साथ लिखाया जा रहा सी आई टी 20/86 में स्टेटमेंट ऑफ क्लेम दिनांक 1-8-86 को निम्न प्रकार से प्रस्तुत किया गया :-

यह कि श्री मोहनलाल पुत्र श्री अपदराम को उप मंडल अधिकारी दूरभाष द्वितीय जोधपुर ने अगस्त 1983 में नियोजित किया था। प्रार्थी श्रमिक को दैनिक वेतन पर बतौर दैनिक वेतन-भोगी कर्मचारी के रूप में लगाया गया था। नियोजित किए जाने के समय से प्रार्थी श्रमिक मेहनत से कार्य करता आ रहा है। सेवा समाप्ति से पूर्व प्रार्थी श्रमिक ने एक कलेन्डर वर्ष में 240 दिन से अधिक निरन्तर कार्य कर लिया था। आगे व्यक्त किया कि अप्रार्थी प्रबन्धक ने प्रार्थी श्रमिक की सेवाएं 29-11-84 को आदेश से 31-12-84 से समाप्त कर दी इस संबंध में प्रार्थी श्रमिक की ओर से यह एतराज किया गया कि अप्रार्थी प्रबन्धक ने उसकी सेवा समाप्ति से पूर्व कोई बरिष्ठता सूची नहीं बनाई और अप्रार्थी प्रबन्धक के अधीन प्रार्थी श्रमिक से जूनियर अन्य श्रमिक को कार्यरत रखा और प्रार्थी श्रमिक की सेवाएं समाप्त करने के बाव भी नई नियुक्तियां की। आगे यह भी एतराज किया कि प्रार्थी श्रमिक की सेवाएं समाप्त करते समय कोई छंटनी का मुआवजा नहीं दिया। श्रमिक प्रार्थी की सेवाएं इसलिए समाप्त कर दी गई कि श्रमिक ने प्रार्थी प्रबन्धक से नियमित वेतन श्रृंखला दिए जाने की प्रार्थना की थी आगे यह भी व्यक्त किया कि प्रार्थी श्रमिक सेवा पृथक्करण की तिथि से बेरोजगार बैठा है। अन्त में प्रार्थना की कि प्रार्थी की सेवा समाप्ति का आदेश अवैध एवं अनुचित घोषित किया जावे और उसे सेवा समाप्ति की तिथि से सेवा में बहाल किए जाने की तिथि के बीच सेवा में निरन्तर माना जावे और इस अवधि का वेतन विलाया जावे इसके अलावा न्याय की दृष्टि में अन्य कोई और राहत उपलब्ध हो तो वह भी उसे दिलाई जावे।

सी आई टी 22/86 में प्रार्थी श्रमिक रामचन्द्र की ओर से स्टेटमेंट ऑफ क्लेम में निम्न तथ्य व्यक्त किए गए। ये कि विपक्षी अप्रार्थी प्रबन्धक ने श्रमिक रामचन्द्र पुत्र बीजलदास को अप्रैल सन् 1982 में केवल पार्टी में बतौर दैनिक वेतनभोगी कर्मचारी के रूप में नियोजित किया और आगे जाहिर किया कि विपक्षी ने दिनांक 19-11-84 को एक आदेश पारित कर प्रार्थी श्रमिक की सेवा दिनांक 31-12-84 से समाप्त कर दी आगे स्टेटमेंट ऑफ क्लेम में वही सामान्य तथ्य जाहिर किए गए हैं कि प्रार्थी श्रमिक की सेवा समाप्ति से पूर्व कोई बरिष्ठता सूची नहीं बनाई गई प्रार्थी श्रमिक की सेवा समाप्त करते समय उससे कनिष्ठ श्रमिकों को कार्य पर रखा और अप्रार्थी की सेवा समाप्त करने के बाव भी कई नियुक्तियां कीं मगर प्रार्थी को सेवा में नहीं लिया। प्रार्थी श्रमिक को छंटनी का मुआवजा नहीं दिया गया और इस प्रकार धारा 25 (एफ) औ. विवाद अधि. का उल्लंघन किया गया। आगे यह भी जाहिर किया कि प्रार्थी श्रमिक की सेवाएं केवल इसलिए समाप्त की कि प्रार्थी श्रमिक ने अप्रार्थी प्रबन्धक से नियमित वेतन श्रृंखला में उसे फिक्स किए जाने बाबत प्रार्थना की। आगे यह

भा एतर्गज किया कि प्रार्थी सेवा प्रथक्करण की विधि में बेरोजगार बैठा है। अतः प्रार्थना है कि प्रार्थी सेवा प्रथक्करण आदेश अवैध व अनुचित घोषित किया जावे और उसे सेवा समाप्ति की तिथि से पुनः सेवा में लिए जाने का आदेश पारित किया जावे। सेवा समाप्ति और सेवा में बहाल होने की तिथि के मध्य का वेतन दिलाया जावे और उसकी सेवा में निरन्तरता मानी जावे।

सी आई टी 24/86 में प्रार्थी श्रमिक ब्रह्मानंद पुत्र धीसालाल ने दिनांक 1-8-86 को उसका स्टेटमेंट आफ क्लेम निम्न प्रकार से प्रस्तुत किया—; ये कि अप्रार्थी प्रबन्धक ने प्रार्थी श्रमिक ब्रह्मानंद को सितम्बर 1983 से केबल पार्टी में दैनिक वेतन भोगी कर्मचारी के रूप में दैनिक वेतन पर रखा। नियुक्ति तिथि से वह बराबर ईमानदारी व मेहनत से कार्य करता आ रहा है। प्रार्थी श्रमिक ने उसकी सेवा समाप्ति से पूर्व एक कलेंडर वर्ष में 240 दिन से अधिक निरन्तर कार्य किया तत्पश्चात् अप्रार्थी प्रबन्धक ने उनके आदेश दिनांक 29-11-84 के द्वारा दिनांक 31-12-84 से सेवा मुक्त कर दिया। आगे यह एतर्गज किया कि प्रार्थी श्रमिक की सेवा अनुसूचित एवं अवैध रूप से इस प्रकार की गई है कि प्रार्थी श्रमिक को सेवा मुक्ति से पूर्व क्षतिपूर्ति यानि छंटनी का मुआवजा नहीं दिलाया गया आगे यह भी व्यक्त किया कि अप्रार्थी ने प्रार्थी को दिनांक 22-1-86 से पुनः सेवा में ले लिया है मगर बीच की अवधि का वेतन और इस दौरान उसकी सेवा में निरन्तरता का प्रश्न न्यायालय के निर्णय पर ही छोड़ा है आगे यह भी व्यक्त किया कि प्रार्थी श्रमिक सेवा पृथक्करण की तिथि से दिनांक 21-1-86 के बीच बेरोजगार रहा प्रार्थी श्रमिक की सेवा समाप्ति का आदेश अवैध एवं अनुचित था इसलिए प्रार्थी श्रमिक को सवैतनिक निरन्तर सेवा में माना जावे और उसे वेतन शृंखला तथा अन्य सुविधाएं नियमित रूप से दिलाई जावे।

उपरोक्त तीनों प्रकरणों में अप्रार्थी नियोजक की ओर से सामान्यतः इस प्रकार लिए गए हैं यह कि उभय पक्ष कारण के मध्य किसी प्रकार का औद्योगिक विवाद उत्पन्न नहीं होता है। प्रार्थी श्रमिकगण के संबंध में उनके द्वारा जाहिर किए गए नियोजन तथ्य को स्वीकार किया मगर यह एतर्गज लिया कि प्रार्थी श्रमिकगण ने एक कलेंडर वर्ष में 240 दिन निरन्तर कार्य नहीं किया था और प्रत्येक के कम से कम सेवा अवधि के भिन्न भिन्न पीरियड बताकर कुल कार्य दिवस जाहिर किए हैं। प्रत्येक उत्तर क्लेम में यह भी एतर्गज किया है कि प्रार्थी श्रमिक एक केवल विशेष कार्य के लिए विशेष अवधि के लिए नियोजित किया गया था और कार्य खत्म होने से एक माह पूर्व प्रत्येक को नोटिस 29-11-84 को दिया गया था कि प्रार्थी श्रमिक की सेवा दिनांक 31-12-84 को समाप्त हो जाएगी। इस प्रकार धारा 25 (एफ) अधिनियम का कोई उल्लंघन नहीं किया गया। आगे यह भी एतर्गज किया कि इन दैनिक वेतनभोगी कर्मचारियों को जिनके कि नाम रोजगार कार्यालय से स्पॉन्सर नहीं हुए थे इसलिए विभागीय आदेश की 29/1 GI/90—11

परिभाषणा में नोटित बातें सेवा से पृथक् किया इस कारण से विरिष्टता सूची बनाने की कोई आवश्यकता नहीं थी। आगे यह भी व्यक्त किया कि अप्रार्थी प्रबन्धक के यहां से प्रार्थी श्रमिक गण को दो नोटिस कार्य पर आने के लिए जारी किए गए लेकिन प्रार्थी श्रमिक दोकख कार्य पर नहीं आए केवल ब्रह्मानंद दिनांक 22-1-86 को कार्य पर लगा जिसे कार्य दे दिया गया अतः प्रत्येक उत्तर क्लेम में प्रार्थीगण के स्टेटमेंट आफ क्लेम को निरस्त किए जाने की प्रार्थना की गई।

सी आई टी 20/86 में प्रार्थी श्रमिक मोहनलाल ने अपने स्टेटमेंट आफ क्लेम की संपुष्टि में स्वयं का शपथपत्र प्रस्तुत किया जिसे न्यायाधिकरण द्वारा सत्यापित किया गया और विपक्षी के अधिकारी ने उससे जिग्ह की। प्रार्थी श्रमिक ने अपनी ओर से एक और गवाह श्री रामचन्द्र पुत्र बस्तीराम को भी परिश्रित किया और अपनी साक्ष्य समाप्त की। अप्रार्थी नियोजक की ओर से श्री बी डी भगत सहायक निदेशक दूरभाष, जोधपुर ने अपना शपथपत्र पेश किया जिसे न्यायाधिकरण द्वारा सत्यापित किया गया श्रमिक के योग्य अधिकतम प्रतिनिधि ने श्री बी डी भगत से जिग्ह की।

सी आई टी 22/86 में प्रार्थी श्रमिक श्री रामचन्द्र ने अपना शपथ पत्र अपने स्टेटमेंट आफ क्लेम की संपुष्टि में प्रस्तुत किया जिसे न्यायाधिकरण द्वारा सत्यापित किया गया और विपक्षी नियोजक की ओर से जिग्ह की गई। प्रार्थी श्रमिक के समर्थन के श्री ब्रह्मानंद पुत्र धीमूलाल का शपथ पत्र प्रस्तुत किया गया जिसे भी न्यायाधिकरण द्वारा सत्यापित किया गया और विपक्षी नियोजन की ओर से इस गवाह से जिग्ह की गई। अप्रार्थी नियोजक की ओर से श्री बी.डी. भगत सहायक निदेशक, दूरभाष, जोधपुर ने तरदीद में अपना शपथ-पत्र पेश किया जिसे भी न्यायाधिकरण द्वारा सत्यापित किया गया और प्रार्थी श्रमिक के अधिकृत प्रतिनिधि ने इस गवाह से जिग्ह की है।

सी आई टी 24/86 में प्रार्थी श्रमिक श्री ब्रह्मानंद पुत्र धीमूलाल ने उसके क्लेम की संपुष्टि में स्वयं का शपथ-पत्र न्यायाधिकरण में प्रस्तुत किया गया जिसे न्यायाधिकरण द्वारा सत्यापित किया गया। अप्रार्थी नियोजक की ओर से प्रार्थी श्रमिक से प्रतिपरीक्षण किया गया इसी प्रकार प्रार्थी श्रमिक के समर्थन में श्री मोहनलाल पुत्र अगदराम ने अपना शपथ पत्र पेश किया। अप्रार्थी नियोजक की ओर से श्री बी.डी. भगत सहायक निदेशक दूरभाष, जोधपुर ने अपना शपथ-पत्र किया जिसे न्यायाधिकरण द्वारा सत्यापित किया गया है और प्रार्थी श्रमिक के अधिकृत प्रतिनिधि श्री एफ.एम. बेग ने श्री भगत से जिग्ह की।

उपरोक्त तीनों प्रकरणों में मैंने प्रार्थी श्रमिकगण के अधिकृत प्रतिनिधि श्री वेग की एवं विपक्षी के अधिकारी श्री कुलश्रेष्ठ, वाई.के. गुप्ता व एम.एल. शर्मा की सहमति सुनी है और पत्रावलियों का ध्यानपूर्वक अवलोकन किया है।

इस न्यायाधिकरण के समक्ष निम्न विचारणीय प्रश्न हैं:-

- (1) क्या डाक तार विभाग का दूरभाष विभाग एक उद्योग की परिभाषा में आता है ?
- (2) क्या प्रार्थी श्रमिकगण मोहनलाल, रामचन्द्र व ब्रह्मानन्द ने उनकी सेवा समाप्त से पूर्व एक कलेन्डर वर्ष में 240 दिन से अधिक निरन्तर कार्य किया और इस प्रकार वह निरन्तर कार्य करने वाले औद्योगिक कर्मचार हो गए थे।
- (3) क्या उक्त तीनों प्रार्थी श्रमिकगण की सेवा समाप्ति एक अवैध छंटनी थी ?

यदि उपरोक्त विवादात्मक बिन्दुओं का उत्तर हाँ में है तो श्रमिकगण किस राहत को पाने के अधिकारी हैं ?

उपरोक्त विवादित बिन्दुओं को एक-एक लेखर पत्रावली पर लाई हुई साक्ष्य व की गई बहस की रोशनी में निर्णित करना है ?

विवादित बिन्दु संख्या -1—ये विवादित बिन्दु पी एंड टी टेलीफोन विभाग एक उद्योग है या नहीं, के बारे में कायम किया गया है। उद्योग की परिभाषा धारा-2(जे) में दी गई है, इसके अनुसार उद्योग का अर्थ कोई व्यापार कारोबार, व्यवसाय, किसी चीज का निर्माण या नियोजक का कोई कार्लिंग (पेश) जिसमें कि सेवा, नियोजन, हेन्डीक्राफ्ट औद्योगिक पेशा शामिल है। योग्य अधिकृत प्रतिनिधि ने जाहिर किया कि प्रार्थी श्रमिकगण का कार्य उन्होंने गड्डे खोदना, केवल डालना जिसकी विपक्षी की ओर से कोई चुनौती नहीं दी गई है, इस प्रकार प्रार्थी श्रमिकगण के द्वारा नियोजन के लिए सेवा करना जाहिर किया है। इस प्रकार मैं प्रार्थी श्रमिकगण के योग्य अधिकृत प्रतिनिधि की बहस से सहमत हूँ कि ओ. वि. अधिनियम में इन्डस्ट्री को भी गई परिभाषा की परिधि में विपक्षी विभाग आता है वैसे 1983 लेब आई सी 135 में पोस्ट एंड टेलीग्राफ डिपार्टमेंट की उद्योग होना माननीय केरला उच्च न्यायालय ने सुनिश्चित किया गया है। वैसे विपक्षी नियोजन की ओर से ऐसी कोई साक्ष्य पेश नहीं की है कि डाकतार विभाग व टेलीफोन विभाग एक उद्योग नहीं है। प्रार्थी श्रमिकगण की ओर से इनके शपथ-पत्र में, प्रार्थी प्रबन्धक का कार्य टेलीफोन के नए कनेक्शन देना लाईन्स में खराबी को ठीक करना, नई लाईन्स डालना, खम्भे लगाना आदि व्यक्त किया है। इन सभी कार्यों को देखते हुए विपक्षी टेलीफोन विभाग निश्चित तौर पर एक उद्योग की परिभाषा में आता है और विवादित बिन्दु संख्या 1 विपक्षी के खिलाफ एवं प्रार्थी श्रमिकगण के हक में इस प्रकार तय किया जाता है कि डाक तार एवं टेलीफोन विभाग एक उद्योग है।

विवादित बिन्दु संख्या-2

इस बनाए गए विवादित बिन्दु के अनुसार हमें यह देखना है कि आया प्रार्थी श्रमिकगण मोहनलाल, रामचन्द्र व ब्रह्मा-

नन्द उनकी सेवा समाप्ति तिथि दि. 31-12-84 से पूर्व एक कलेन्डर वर्ष में 240 दिन से अधिक निरन्तर कार्य करते वाले औद्योगिक कर्मकार हो गए थे। इस संबंध में श्री मोहनलाल के शपथ-पत्र में उसके कार्य दिवसों का ब्यौरा प्रदर्शित डबल्यू 1 व डबल्यू 2 प्रमाणित होते हैं जिनमें भी एवं उसके स्वयं के शपथ-पत्र से 31-12-84 तक कुल 363 कार्य दिवस होना प्रमाणित होते हैं जिसके विरोध में कोई दूसरी विपक्षनीय साक्ष्य नहीं आई है। इसी प्रकार श्री ब्रह्मानन्द के जनवरी, 84 से दिसम्बर अन्त तक 358 कार्य दिवस प्रमाणित होते हैं और यह भी प्रमाणित होता है कि ब्रह्मानन्द को 22-1-86 पुनः नियोजित कर लिया गया है। प्रार्थी श्रमिक रामचन्द्र के शपथ-पत्र में उसके कार्य दिवसों के दस्तावेज प्रदर्शित डबल्यू 1, 2 व 3 प्रमाणित होते हैं जिसमें उसकी सेवा समाप्ति दिनांक 31-12-84 से एक कलेन्डर वर्ष में 316 कार्यदिवस प्रमाणित होते हैं। जिसकी तरफ़ीद में विपक्षी की ओर से कोई विपरीत साक्ष्य नहीं आई है इसलिए तीनों प्रार्थी श्रमिकगण की सेवा समाप्ति से पूर्व एक कलेन्डर वर्ष में 240 दिन से अधिक निरन्तर कार्य किया जाना प्रमाणित होता है। इसी प्रकार यह विवादित बिन्दु प्रार्थी श्रमिकगण के पक्ष में निर्णित किया जाता है।

तीसरा विवादित बिन्दु प्रार्थी श्रमिकगण की अवैध छंटनी के संबंध में है। उपरोक्त ये विनिश्चित हो चुका है कि तीनों प्रार्थी श्रमिकगण ने सेवा समाप्ति से पूर्व एक कलेन्डर वर्ष में 240 दिन से अधिक कार्य किया। विपक्षी के गवाह श्री बी. डी. भगत की साक्ष्य से ये बख़ूबी प्रमाणित है कि इन तीनों प्रार्थी श्रमिकगण की सेवा समाप्ति से पूर्व या सेवा समाप्त करने समय या उसके पश्चात कोई छंटनी का मुद्दायजा नहीं दिया गया। अप्रार्थी नियोजक की ओर से केवल उनके सेवा समाप्ति से पूर्व एक माह का नोटिस दिया जाना ही प्रमाणित कराया है मगर धारा 25 (एफ) (बी) का उल्लंघन किया जाना बख़ूबी प्रमाणित होता है। इस प्रकार तीनों प्रार्थी श्रमिकगण की सेवा समाप्ति पर किसी को भी मुद्दायजा नहीं दिया गया। शहादत को देखते हुए, सेवा समाप्ति अवैध पाई जाती है और सेवा समाप्ति धारा 25 (एफ) (बी) के उल्लंघन में की गई है इसलिए अवैध थी। इसके अतिरिक्त प्रार्थी श्रमिकगण की साक्ष्य में यह भी प्रमाणित हुआ है कि प्रार्थी श्रमिकगण की सेवा समाप्त करने से पूर्व ओ. वि. अधि. के नियम 77 की पालना में वरिष्ठता सूची घोषित नहीं की गई न ही सेवा समाप्ति से 7 दिन पूर्व ऐसी कोई ना सूची बनाई गई ना लगाई गई कि जिसमें सेवा समाप्ति के अवैध छंटनी की परिभाषा में पाई जाती है। नियम 77 के प्रावधान आगापक प्रावधान है और आगापक के प्रावधान के उल्लंघन से कोई छंटनी की जानी है वह अवैध छंटनी होती है इसलिए उपरोक्त तीनों विवादों के संबंध में प्रार्थी श्रमिकगण की सेवा समाप्ति अवैध छंटनी थी इस प्रकार अवैध छंटनी के कारण प्रार्थी श्रमिकगण अपनी सेवा समाप्त होने की अपेक्षा उनकी सेवा में निरन्तरता मानी जावेगी और अवैध छंटनी के कारण तीनों प्रार्थी श्रमिकगण की सेवा समाप्ति अनुचित एवं अवैध पाई जाती है और अप्रार्थी प्रबन्धक के तारा

जो सेवा समाप्ति का आदेश जारी किया गया वह निरस्त किए जाने योग्य है। अतः प्रार्थी श्रमिकगण के पक्ष में अवार्ड निम्न प्रकार से पारित किया जाता है :-

(1) यह कि डाक व तार उपमंडल अधिकारी फोन्स यु सिंह, जोधपुर के प्रबन्धतंत्र द्वारा श्री मोहनलाल प्रार्थी श्रमिक की सेवा 21-12-84 को समाप्त की गई वह अवैध एवं अनुचित थी। प्रार्थी श्रमिक पुनः सेवा में उसकी सेवा समाप्ति से पूर्ववत् पद एवं वेतन पर बहाल होने का अधिकारी है। उसकी सेवा समाप्ति दि. 31-12-84 से उसे सेवा में बहाल किए जाने की तिथि के मध्य का वेतन नियमानुसार पाएगा एवं उसकी सेवा में निरन्तरता मानी जावेगी और यदि उस अवधि में कोई अन्य देय लाभ अर्जित हुआ हो तो वह भी वह पाने का अधिकारी होगा।

(2) यह कि डाक व तार उप मंडल अधिकारी फोन II, जोधपुर के प्रबन्धतंत्र ने प्रार्थी श्रमिक रामचंद्र की सेवा 31-12-84 को धारा 25 एफ अधिनियम व औ. विवाद नियम (केन्द्रीय) 77 के उल्लंघन में अनुचित एवं अवैध रूप से समाप्त की गई। प्रार्थी की सेवा समाप्ति का आदेश निरस्तनीय है। प्रार्थी श्रमिक रामचंद्र दि. 31-12-84 के पश्चात उसके पूर्ववत् पद व वेतन पर बहाल होने का अधिकारी पाया जाता है। वह 31-12-84 से सेवा में पुनः बहाल किए जाने की तिथि के मध्य का वेतन एरियर्स के रूप में प्राप्त करेगा और उसकी सेवा में निरन्तरता मानी जावेगी। यदि प्रार्थी श्रमिक को इस अवधि से अन्य और कोई लाभ अर्जित हुआ हो तो वह भी वह पाने का अधिकारी होगा।

(3) यह कि डाक तार उपमंडल अधिकारी फोन II, जोधपुर ने प्रार्थी श्रमिक ग्रहमानन्द की 31-12-84 से सेवाएं अनुचित एवं अवैध रूप से समाप्त की जो सेवा समाप्ति का आदेश निरस्तनीय है प्रार्थी श्रमिक को अप्रार्थी नियोजक ने 22-1-66 को पुनः सेवा से बहाल कर दिया था इस कारण से प्रार्थी श्रमिक 1-1-85 से 21-1-86 के बीच का वेतन पूर्ववत् दर से देय प्राप्त करेगा और इस अवधि से उसकी सेवा में निरन्तरता मानी जावेगी। इस अवधि में यदि अन्य और कोई देय लाभ अर्जित हुआ हो तो वह भी पाने का अधिकारी है।

प्रत्येक प्रकरण के संबंध में पंचाट की एक प्रतिनिधि अन्तर्गत धारा 17 (1) औद्योगिक विवाद अधि. 1947 केन्द्रीय सरकार को चारने प्रकाशनाथ भेजी जावे।

अवार्ड आज दिनांक 6-4-90 को जोधपुर कैम्प पर निवाकर जारी किया गया।

प्रतापसिंह यादव, न्यायाधीश

सं. ए. एन-40012/25/85-डी 2वीं (पार्ट)

सं. ए. एन-40012/24/85 डी 2वीं (पार्ट)

सं. ए. एन-40012/26/85 डी 2वीं (पार्ट)

का.आ. 2370.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार जनरल मैनेजर टेलीकॉम कानपुर के प्रबन्धतंत्र के संबंध नियोजकों और उनके कर्मचारियों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण, कानपुर के पंचपट को प्रकाशित करती है, जो केन्द्रीय सरकार को 16-8-90 को प्राप्त हुआ था।

S.O. 2370.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award of the Central Government Industrial Tribunal, Kanpur as shown in the Annexure, in the industrial dispute between the employers in relation to the management of General Manager Telecom Kanpur and their workmen, which was received by the Central Government on 16-8-90.

ANNEXURE

BEFORE SHRI ARJAN DEV PRESIDING OFFICER CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL, CUM- LABOUR COURT PANDU NAGAR, KANPUR

Industrial Dispute No. 97 of 89.

In the matter of dispute between:

Shri Bholu Nath Agarwal

Secretary

Bhartiya Dak Tar Karamchhari Sanghthan

252/10 Shastri Nagar, Kanpur-208005

AND

General Manager,

Doorblash,

Westcott Building,

The Mall Kanpur, 208001.

AWARD

1. The Central Government, Ministry of Labour, vide its notification No. I-40012/36/88-D-2(B) dt. 24-4-89, has referred the following dispute for adjudication to this Tribunal—

Whether the action of the General Manager Telecom Kanpur in not making the service of Shri Som Nath Awasthi Casual Labour as permanent is justified? If not, to what relief the workman is entitled?

2. The industrial dispute on behalf of Shri Som Nath Awasthi workman has been raised by Dak Tar Karamchhari Sanghthan (hereinafter referred to as Union). The case of the Union is that the services of the workman who was engaged as a casual labour on 1-7-74 were terminated illegally w.e.f. 18-7-83. An Industrial Dispute on his behalf was raised whereupon on reference made by the Central Government to this Tribunal, the order terminating his services was set aside by means of award dt. 23-4-86 given by this Tribunal. Under the award the workman was reinstated in service with full back wages. Although the management had complied with the terms of the award, they have not regularised his services. The management are not prepared to count the service in respect of the period 18-7-73 to 4-9-86. The Union alleges that the workman had worked for 240 days in every year of his service. The union has, therefore, prayed that the services of the workman be regularised w.e.f. 1-3-74 and he be paid the difference of wages.

3. In this case, the management filed written statement but after filing it the management did not participate in the proceedings. The management pleaded that since the workman had not worked during the period 18-7-83 to 4-9-86, the said period could not be counted for determining the length month

of his service. According to the management the seniority is based on the number of days the workman had actually worked. So when the term of the workman would come, he would be regularised in service as per Rules.

4. As already said the case proceeded *ex parte* against the management. The order to proceed *ex parte* was passed on 28-3-90. Shri B. N. Agarwal, the office bearer of the Union tendered in evidence, his own affidavit dt. 23-11-89, corroborating the case set up by him in the claim statement.

5. The only point to be considered is whether or not the period from 18-7-83 to 4-9-86, should be counted towards the length of service of the workman. The copy of award given by my learned predecessor in I.D. No. 263 of 1985, has been filed by the Union. From the award it appears that my learned predecessor held the termination as illegal and ordered reinstatement of the workman with full back wages. In view of this order, the said period would be treated as one spent by the workman on duty. In other words, the said period should be counted towards length of service of the workman.

6 Copy of seniority list of the casual workman has also been filed by the workmen. The document was admitted by the management. The name of the workman does not appear in this long seniority list of 386 candidates. According to Sh. Agarwal, if the above period is counted towards the month of service of the workman, his name in the seniority list be at serial No. 139. Whether it will be so or not, it is not the headache of this Tribunal. All that Sh. Agarwal wants that after taking into account, the above period towards length of service of the workman his seniority should be determined and then his services be regularised as per rules of the department. The arguments appears to be quite just.

7. It is, therefore, ordered that the management should fix the seniority of Sh. Somnath Awasthi, workman after taking into account the period from 18-7-83 to 4-9-86, towards the month of service and then regularise his services as per Rules of the department. Reference is an.

ARJAN DEV, Presiding Officer
[No. L-40012/36/88-D.II(B)(Pt)]

का.आ. 2371.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार चीफ सुपरिन्टेण्डेंट, राजस्थान अटॉमिक पावर स्टेशन के प्रबंधन के संबंध निोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में औद्योगिक अधिकरण, जयपुर के पंचपट को प्रकाशित करती है, जो केन्द्रीय सरकार को 16-8-90 को प्राप्त हुआ था।

S.O. 2371.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award of the Industrial Tribunal, Jaipur as shown in the Annexure, in the industrial dispute between the employers in relation to the management of Chief Supdt. Rajasthan Atomic Power Station and their workmen, which was received by the Central Government on 16-8-90.

अनुबन्ध

केन्द्रीय औद्योगिक न्यायाधिकरण, जयपुर

माननीय न्यायाधीश श्री प्रताप सिंह यादव, आर. एच. जे एस. केस नं. सी. आई. टी. 14/89।

मध्य

राजस्थान रोडवेज, राजस्थान अणुशक्ति परिधानता कर्मचारी संघ, रावतभाटा

एच

चीफ सुपरिन्टेण्डेंट, राजस्थान अटॉमिक पावर स्टेशन,
पी. ओ. रावतभाटा
रेकॉर्ड्स अंतर्गत धारा 10(1) (घ) ओ.
वि. अधिनियम 1947।

उपस्थिति

यूनियन की ओर से : कोई उपस्थित नहीं
नियोजक पक्ष की ओर से : कोई उपस्थित नहीं
दिनांक अर्वाइ : 27-11-89

अर्वाइ

भारत सरकार श्रम मंत्रालय के डेस्क अधिकारी ने उनकी अधिमूचना सं. एन 42012/31/87-डी-2 (बी) दिनांक 18-1-89 के द्वारा निम्न विवाद हम न्यायाधिकरण के अंतर्गत धारा 10(1)(घ) औद्योगिक विवाद अधिनियम 1947, जिसे आगे अधिनियम लिखा जायेगा, वास्ते अधिनियम-यार्थ प्रेषित किया है।

"Whether the punishment order dated 18th November, 1986 reverting Sri Shivraj Singh from the post of Light Vehicle Driver to Watchman is proper and just? If not, to what relief is the workman entitled to."

2. बाध प्राप्ति निदेशन इसे हम न्यायाधिकरण में पजी-कृत किया गया। उभय पक्षकारान को नोटिस जारी किये गये। यूनियन की ओर से श्री वाई. आर. शर्मा उपस्थित आये। तथा नियोजक की ओर से 2-8-89 का श्री मनीष भंडारी उपस्थित आये। यूनियन के प्रतिनिधि श्री जे. के. अग्रवाल क्लेम पेश करने का समय चाहते रहे हैं जिसके लिए 9 अवसर दिये जा चुके हैं लेकिन आज तक क्लेम पेश नहीं किया गया। आज दोनों पक्ष उपस्थित नहीं हैं। यूनियन की ओर से आज न तो क्लेम पेश किया गया और न ही कोई प्रार्थना पत्र पेश हुआ और न ही कोई उपस्थित हुआ। अतः ऐसा प्रतीत होता है कि यूनियन उक्त विवाद को चलाने में कोई रुचि नहीं रखती है और वैसे भी यूनियन को अपना क्लेममय दस्तावेजान के 15 दिन में इस न्यायाधिकरण में पेश करना चाहिए था जो ऐसा नहीं किया गया। अतः उक्त परिस्थितियों से उक्त विवाद में "को विवाद नहीं" का अर्वाइ पारित किया जाता है, जिसे वास्ते प्रकाशनार्थ केन्द्र सरकार के अंतर्गत धारा 17(1) भेजा जावे।

प्रताप सिंह यादव न्यायाधीश

[सं. एन-42012/31/87-डी2(बी)(पार्ट)]

का.आ. 2372.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार सब-डिवीजनल आफिसर (टी) रामपुर के प्रकाशन में निम्न विवाद को प्रकाशित करती है, जो केन्द्रीय सरकार को 16-8-90 को प्राप्त हुआ था।

केन्द्रीय सरकार औद्योगिक अधिकरण कानपुर के पंचपट को प्रकाशित करती है, जो केन्द्रीय सरकार को 16-8-90 का प्राप्त हुआ था।

S.O. 2372.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award of the Central Government Industrial Tribunal, Kanpur as shown in the Annexure, in the industrial dispute between the employers in relation to the management of Sub-Divisional Officer (T) Rampur and their workmen, which was received by the Central Government on 16-8-90.

ANNEXURE

BEFORE SHRI ARJAN DEV, PRESIDING OFFICER CENTRAL GOVERNMENT INDUSTRIAL-CUM-LABOUR COURT, PANDU NAGAR, KANPUR

Industrial Dispute No. 192 to 1989

In the matter of dispute between:

Shri Genda Lal S/o Sh. Jajan Lal
Vill. Ahraula P.O. Benjir Tehsil Sadar
District Rampur.

AND

Sub Divisional Officer (T)
Rampur.

AWARD

1. The Central Govt. Ministry of Labour, vide its notification No. L-40012/39/88-D-2(B) dt. 17th August, 1989 has referred the following dispute for adjudication to this Tribunal:

Whether the action of the Sub Divisional Officer (T), Rampur in terminating the service of Sh. Genda Lal, Driver w.e.f. 7-1-88 is legal and justified? If not, to what relief the workman is entitled to?

2. The workman's case is that he was appointed as Driver of Jeep No. DED-4159 provided by the Government to SDO Telecom Rampur on 1-2-86 by Shri M. B. Singh, the then SDO(T) Rampur. However, without any notice of termination or one month's pay in lieu of notice, his services were terminated verbally w.e.f. 7-1-88. The workman alleges that in his place the new hands has been appointed by the SDO Telephone, Rampur in violation of Article 16(1) read with Article 14 of the Constitution. He has, therefore, prayed that his claim be allowed.

3. The case proceeded ex parte against the management on 26-4-90, the workman filed affidavit evidence in support of his case on 30-5-90. On 19-6-90 the management sent written statement by post without moving application for setting aside the order to proceed ex parte. Therefore no notice of the written statement has been taken.

4. By means of his affidavit, the workman has corroborated his case. From the facts set out in the claim statement corroborated by affidavit it is clear that the services of the workman had been terminated without compliance of section 25F of I.D. Act. Even no compliance of section 25H I.D. Act was made by the management while appointing new hands in his place. Before appointment of a new hand an opportunity should have been given to the workman.

5. Hence, it is held that the action of the Sub Divisional Officer (T), Rampur in terminating the services of Shri Genda Lal Driver w.e.f. 7-1-88 is neither legal nor justified. Consequently, the workman is entitled to reinstatement with full back wages.

ARJAN DEV, Presiding Officer

[No. L-40012/39/88-DIB(Pt.)]

नई दिल्ली, 21 अगस्त, 1990

का.आ. 2373.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार वैस्टर्न रेलवे, अहमदाबाद के प्रबन्धतंत्र के संबंध नियो-जकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में औद्योगिक अधिकरण, अहमदाबाद के पंचपट को प्रकाशित करती है, जो केन्द्रीय सरकार को 20-8-90 को प्राप्त हुआ था।

New Delhi, the 21st August, 1990

S.O. 2373.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award of the Industrial Tribunal, Ahmedabad as shown in the Annexure, in the industrial dispute between the employers in relation to the management of Western Railway, Ahmedabad and their workmen, which was received by the Central Government on 20-8-90.

ANNEXURE

BEFORE SHRI H. D. PANDYA, PRESIDING OFFICER, CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL AT AHMEDABAD

Reference (ITC) No. 9 of 1983

ADJUDICATION :

BETWEEN

Management of Deputy Chief Engineer,
Western Railway Engineering Workshop,
Railway Colony,
Ahmedabad—First Party

AND

Their workman—Second Party.

In the matter of imposing punishment on Shri Harimohan Sharma, Mistry.

APPEARANCES :

Shri H. B. Shah, Advocate for the First Party; & Shri J. S. Parashar, Chairman, Western Railway Workers' Union for the Second Party.

AWARD

The industrial dispute between Management of Deputy Chief Engineer, Western Railway Engineering Workshop, Ahmedabad and Their workmen had been referred for adjudication to the Industrial Tribunal consisting of Shri G. S. Barot u/s. 10(1)(d) of the Industrial Disputes Act, 1947 by Government of India, Ministry of Labour & Rehabilitation, Department of Labour, New Delhi's Order No. L-41011/38/88-D-II(B) dt. 9-12-83 which has stood transferred to me by the appropriate orders issued by the appropriate authority. The dispute referred for adjudication is—whether the action of the Deputy Chief Engineer, Railway Engineering Workshop, Sabarmati, Ahmedabad by imposing punishment on Shri Harimohan Sharma Mistry vide their letter dt. 27-8-80 and 12-9-81 is justified? If not, to what relief the workman is entitled?

2. The cause of the concerned workman Shri Harimohan Sharma Mistry has been espoused by Western Railway Workers' Union, hereinafter referred to as 'the union'. The union has filed the statement of claim at ex. 3 and Shri J. S. Parashar has argued the case before me. The Deputy Chief Engineer, Western Railway Engineering Workshop, hereinafter referred to as 'the Railway' has filed his belated written statement at ex. 17 and Shri H. B. Shah, learned Advocate for the Railway has argued the case before me. The union has filed some documentary evidence which are exhibited at Exhs. 7 to 15. The concerned workman Shri Harimohan has stepped in the witness box and has deposed at ex. 6. The Railway has also filed copies of letters exchanged between the parties as also an extract of the relevant rules. The Railway has examined its Deputy Chief Engineer at ex. 24.

3. The facts of the briefly stated are as under : The concerned workman Shri Hari Mohan Sharma was working in the Engineering Workshop of the Western Railway at Sabarmati. He was asked on 2-2-80 by his supervisor Shri N. K. Sharma to do a particular job which he denied to do and as alleged by the Railway, he used unparliamentary words and threatened him with dire consequences. The said Shri N. K. Sharma reported the matter to higher officers about the incident. The Railway issued charge sheet on 6-2-80 to which the concerned workman replied on 15-2-80 and demanded certain documents. The Railway by its letter dt. 12-6-80 supplied certain documents, some were refused and for others, he was asked to inspect the same. It transpires from the papers that Shri Hari Mohan Sharma had submitted his explanation on 3-8-80 but none of the party has produced a copy of the said explanation. It is therefore difficult to appreciate the stand taken by Shri Sharma in the said explanation. Then on 27-8-80 the Railway has imposed the penalty of stoppage of one set of free pass for the year 1980. Along with the said order of penalty passed on 27-8-80, a copy of the findings are also furnished to Shri Sharma which are as under :—

".....It has further ascertained from the shop staff that Shri Harimohan Sharma has disobeyed the instructions given to him by his Asst. SS on 2-2-80.

The complaint lodged with City Police, by Asst. SS, as referred by Shri Harimohan in his reply to memorandum, itself proves the charge of his misbehaviour.

Penalty stoppage of one set of Free pass due in the year."

It further transpires from the record that Shri Hari Mohan Sharma had filed appeal on 4-12-80 against the impugned order dt. 27-8-80 to Dy. C.E. and the said officer in his reply dt. 29-12-80 informed Shri Sharma that the correct appellate authority is W.M. (Eng) and not his office and the said appeal was returned to him. On 5-1-81 Shri Sharma filed his appeal before the said officer praying inter alia that the punishing authority had no jurisdiction and the order is against principles of natural justice; that the evidence of the witnesses against him has been recorded without giving him opportunity to cross examine them; that he has been held guilty because of his police complaint; that the documents demanded by him have not been furnished to him; that proper procedure has not been followed, etc. Then it appears that by letter dt. 20-2-81 Dy. CE (EW) has while considering his appeal against its own order asked Shri Hari Mohan Sharma that "the penalty imposed by the Disciplinary authority is inadequate as disobey of orders by an employee is very serious offence. It is therefore proposed to enhance penalty by imposing withholding of increment for one year without future effect on you." and he was given opportunity to make representation against the said proposal. Then we have letter dt. 12-9-81 written by Dy. EC(EW) addressed to Shri Hari Mohan Sharma wherein it has been stated that "Since you have failed to make any representation against the proposed enhance penalty it has been decided to withhold your increment normally falling due on 1-8-81 for one year without effect on future increment." Then we have on record letter dt. 16-9-81 from Shri Hari Mohan Sharma for reconsideration of the punishment inflicted on him on almost same grounds. Last is the letter dt. 21-10-81 by Dy. Chief Engineer written to Shri Hari Mohan Sharma in response to the review application dt. 16-9-81 given by him, confirming the decision of the W.M. and rejecting his review application.

4. At the time of arguments it is vehemently contended by Shri Parashar that no inquiry was held before inflicting the punishment and no opportunity was given to defend Shri Sharma; that Shri Sharma has been punished twice for the same offence; that the action of the Railway is against principles of natural justice; that the punishment is too severe in relation to the misconduct of Shri Sharma and that proper procedure has not been followed.

5. Shri H. B. Shah, learned advocate for the Railway has contested the say of the union and he has argued that the action against Shri Sharma has been taken in consonance with the rules and procedure adopted by the Railway. He

has contended that Shri Sharma had used unparliamentary language and had threatened his superior and disobeyed lawful orders of his superior. Misconduct or abuse is a grave misconduct. However, the Railway has taken a lenient view and minor punishment has been inflicted for which no inquiry is required to be held as per the rules and regulations of the Railway. The punishment of stoppage of one set of Free pass is very nominal because if an employee does not avail of the facility of free pass before the end of a calendar year i.e. before 31st December, the same automatically stands cancelled. Shri Sharma has already used two such passes and for the third one, he preferred appeal after 4 months on 5-1-81 for which Shri Sharma himself is to be blamed. So far as withholding of one increment without effect on future increment is concerned, the authorities have followed proper procedure; Shri Sharma has been given an opportunity to represent his case which he did not avail of; that it is within the right of the Railway to inflict such a punishment as per Para 2 of Rule 25 of Rly. Service Rules and Appeal Rules, 1968.

6. I have heard both the parties and have considered their rival contentions as also I have gone through the record produced in the case and I am satisfied that the action taken against Shri Sharma is in consonance with the rules and procedure adopted by the Railway. The Railway has taken a lenient view and minor punishment has been inflicted for which no inquiry is required to be held as per the rules and regulations of the Railway. Therefore, the question of not holding inquiry and violation of principles of natural justice does not arise. However, before inflicting the punishment, the Railway has followed the rules and regulations of the Railway. Therefore, the contention of Shri Parashar that no inquiry was held before inflicting the punishment and no opportunity was given to defend the concerned workman and the Railways has not followed principles of natural justice is without any merit and it has to be rejected. In view of the facts which I have already stated above, I am satisfied that the punishment of stoppage of one set of free pass would meet the ends of justice. Even if stoppage of one increment without future effect may be justified legally, I am of the opinion that looking to the facts and circumstances of the case, the conduct of the concerned workman, his illiteracy, the class from which he is coming and various other factors, the ends of justice will be fully met with if only one punishment, viz., stoppage of one set of free pass only is inflicted and the other punishment of stoppage of one increment without future effect is waived. The result is the first punishment of stoppage of one set of free pass is uphold and the second punishment of stoppage of one increment without future effect is ordered to be set aside, looking to the peculiar facts and circumstances of the case. In the circumstances I pass no order as to costs.

Ahmedabad:
Dt. 23-7-1990.

H. D. PANDYA, Presiding Officer
[No. L-41011/38/83-D.II(A)(Pt.)]

नई दिल्ली, 31 अगस्त, 1990

का.आ. 2374:- औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार उत्तर रेलवे लखनऊ के प्रबन्धतंत्र के संबद्ध नियोजकों और उनके कर्मचारों के बीच, अनुबन्ध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण, कानपुर के पंचपट को प्रकाशित करती है, जो केन्द्रीय सरकार को 22-8-90 को प्राप्त हुआ था।

New Delhi, the 31st August, 1990

S.O. 2374.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award of the Central Government Industrial Tribunal, Kanpur as shown in the Annexure, in the industrial dispute between the employers in relation to the management of

Northern Railway, Lucknow and their workmen, which was received by the Central Government on 22-8-90.

ANNEXURE

BEFORE SHRI ARJAN DEV, PRESIDING OFFICER, CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL, PANDU NAGAR, DHOKI PALACE ROAD, KANPUR

Industrial Dispute No. 28 of 1989

In the matter of dispute between :

The Divisional Secretary,
96/196 Roshan Bajaj Lane,
Ganesh Ganj, Lucknow.

AND

The Divisional Rly. Manager,
Northern Rly.,
Lucknow.

AWARD

1. The Central Government, Ministry of Labour, vide its notification No. L-41012/38/87-D.2(B) dt. 17th Jan., 1989, has referred the following dispute for adjudication to this Tribunal :

Whether the DMO N. Rly., Lucknow was justified in placing Smt. O. R. Lartius as Junior to Smt. Leela Verma also declining the promotion as Matron Gr.-III to Smt. Lartius w.e.f. 1-1-84 ? If not, what relief the workman was entitled for ?

2. The Industrial Dispute on behalf of Smt. A. R. Lartius has been raised by Uttar Rly. Karamchari Union (hereinafter referred to as Union). The case of the Union is that the workman is posted as Nurse at Lucknow in Loco Shop under Sr. D.M.O. The Union alleges that she ought to have been promoted as Nurse Gr. A in the scale of Rs. 455-700 (RS) from August, 1981 and as Matron III in the scale Rs. 550-850 (RS) (Rs. 1500-2600) from 1-1-84. However, the management have promoted Smt. Leela Verma and Km. C. Waslay who were junior to the workman. Whereas the workman was appointed on 31-5-65, Smt. Leela Verma and Km. C. Waslay were appointed on 18-7-65 and 6-9-66 respectively. Because of the illegal action of the management the workman has not only lost her seniority but also her further promotion. She has also been put to great financial loss. The Union has, therefore, prayed that the workman be assigned seniority about Smt. Leela Verma and Km. C. Waslay and be promoted as Nurse Gr. A from 13-1-81 and as Matron from 1-1-84 with all the benefits.

3. The management plead that presently the workman is posted as Matron under Sr. D. M. O. N. Rly. Lucknow, in the scale of Rs. 2000-3200 (RS). She was promoted on adhoc basis in the said grade vide office letter dt. 3-11-88. She was regularised and confirmed in the said grade after selection vide office letter dt. 2-8-89.

4. The management further plead that vide Div. Office letter dt. 24-7-81, the DMO Lucknow was directed to hold qualifying examination through Nurses Gr. B for promotion as Nurses Gr. A. In pursuance of the said letter the DMO held examination but the workman could not qualify and conse-

quently she was declared unsuccessful. Subsequently vide Divisional Office letter dt. 31-1-83, DMO Lucknow was again directed to hold a test of the workman for her promotion to Nurse Gr. A. In the said test she was declared successful on 17-2-83 and vide office order dt. 3-3-83 she was promoted as Nurse Gr. A. According to the management Smt. Leela Verma is senior to the workman and all the allegations made by the Union against Smt. Leela Verma are baseless. With regard to Km. C. Waslay the management plead that she was admittedly junior to the workman in the grade Rs. 425-640, but Km. C. Waslay was declared successful in the qualifying examination held on 17-8-81 in pursuance of Divisional Office letter dt. 24-7-81. Since, the workman could not qualify in the said examination, Km. C. Waslay became senior to her in Gr. Rs. 455-700, (Nurse Gr. A). Thus, there has been no violation of any rule relating to seniority.

5. Lastly, the management plead that there is no valid industrial dispute between the parties as defined under sec. 2(k) of the I.D. Act; that the Union which has raised the dispute on behalf of the workman is neither recognised nor registered; and that there is no post of Organising Secretary in the alleged union.

6. In the circumstances, the workman/Union is entitled to no relief.

7. In this case, the Union has filed rejoinder. On going through the rejoinder, I find that nothing new has been alleged by the Union with regard to the case of the workman set up by it, of course, it is admitted that the workman has been promoted as Matron Gr. II in the pay scale of Rs. 2000-3200 in 1988.

8. In support of its case, the Union has filed the affidavit of the workman and one document. On the other hand, in support of their case, the management have simply relied upon documentary evidence.

9. Ext. M-1 is the Divisional Office letter dt. 24-7-81 to the DMO N. Rly. Lucknow on the subject of upgradation of Nurses Gr. B in scale of Rs. 425-640 (RS) to Gr. A in scale Rs. 455-700 (RS). In the letter are given the names of 12 nurses Gr. B. They include the names of the workman Smt. Leela Verma and C. Waslay. By means of this letter the DMO was directed to conduct a suitability test for promotion as Nurse Gr. A.

10. Ext. M-4 is the copy of letter dt. 17-8-81, from DMO Northern Rly Lucknow to the D. P. O. Northern Rly. informing that on the basis of the suitability test conducted by him, out of the 12 nurses grade B, 10 nurses Gr. B had been found suitable. In his letter he also named the remaining two who were not found suitable. The names of these two are given as Smt. O. R. Lartius workman and Smt. B.K. Pandey. Amongst the successful nurses there appeared the names of Smt. Leela Verma and Km. C. Waslay also.

11. In her cross examination, the workman has admitted that qualifying test for promotion as nurses Gr. A of 12 nurses Gr. B as named in Ext. M-1 was conducted in 1981. She has further stated that the result of the qualifying test was declared, but accor-

ding to her, she has not informed about the result in writing. She has admitted that on the basis of the result she and Smt. B. K. Pandey were not promoted as Nurses Gr. A. She has further admitted that Smt. Leela Verma and Km. C. Waslay alongwith other 8 nurses Gr. B were promoted as Nurses Gr. A on the basis of the result.

12. In her further cross examination the workman has admitted that on 17-2-83, again suitability test for promotions as Nurses Gr. A was conducted. The candidates who appeared in the said test were Smt. B. K. Pandey and she herself. Ext. M-2 is the copy of letter dt. 17-2-83 from the Medical Suptd. N.R. Lko, to D.P.O. Lucknow on the subject of suitability tests of nurses Gr. B for promotion as nurses Gr. A. By means of the said letter the D.P.O. was informed that both the workman and Smt. B. K. Pandey had been found suitable for promotion as Nurses Gr. A. Ext. M-3 is the copy of order dt. 9-3-83 by means of which the above named two nurses were admittedly appointed to officiate as nurses Gr. A against the existing vacancies. In her cross examination the workman has admitted that in the second qualifying test held she and Smt. B.K. Pandey were found suitable. She has also admitted that on the basis of the result of the second test both of them were promoted as nurses Gr. A on officiating basis against existing vacancies.

13. Thus from the above evidence it becomes clear that Smt. Leela Verma and Km. C. Waslay were promoted as nurses Gr. A much before the workman who passed the suitability test much after the passing of the suitability test by the above named two nurses. Naturally, therefore, even if they were junior to the workman they were to get further promotion prior to the workman unless of course by any order of the management. The promotion of the workman was to relate back to the date on which Smt. Leela Verma and C. Waslay promoted as Nurses Gr. A. No such order has been filed by the Union.

14. Sh. A. K. Singh, office bearer of the Union, who is conducting the case for the Union during the course of his arguments, has placed great reliance on the copy of notice dt. 3-7-84 filed by him with his application dt. 28-6-90. According to him in the said notice the name of Smt. Leela Verma appeared at Sl. No. 39, of the workman at Sl. No. 40 and of Km. C. Waslay at Sl. No. 41. Thus according to him Smt. Leela Verma, whose date of initial appointment is shown as 18-7-65, has been shown senior to the workman whose date of appointment is given as 31-5-65. Firstly the document has not been proved by the workman|Union, secondly, it is not a list of seniority but a list of confirmation issued by the Divisional Office N. Rly. In the document it is nowhere stated that the list of confirmation has been prepared on the basis of seniority. In it all the nurses who qualified this in the qualifying test held in 1981 except Smt. Leela Verma have been shown as junior to the workman. If it was list of seniority they would not have been shown so special when they had been promoted as nurses Gr. A almost two years before the promotion of the workman. Even no rule with regard to determination of seniority has been referred to by the authorised representative of

the workman during the course of arguments. Lastly, in view of the reference order, the tribunal is concerned with the case of the workman vis-a-vis Smt. Leela Verma only and not vis-a-vis Km. C. Waslay.

15. Hence, I find that the Union has not been able to prove that the placement of the workman as junior to Smt. Leela Verma and also declining to promote herself as Matron Gr. B. w.e.f. 1-1-84 on the part of the management is unjustified. Hence the reference is answered against the Union|workman. is entitled to no relief.

16. Reference is answered accordingly.

ARJAN DEV, Presiding Officer

[No. L-41012|38|87-D. II(B)(Pt.)]

का.आ. 2375 :- औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार उत्तर रेलवे लखनऊ के प्रबन्धतंत्र के संबद्ध नियोजकों और उनके कर्मकारों के बीच, अनुबन्ध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक आधिकरण, कानपुर के पंचपट को प्रकाशित करती है, जो केन्द्रीय सरकार को 22-8-90 को प्राप्त हुआ था।

S.O. 2375.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award of the Central Government Industrial Tribunal, Kanpur as shown in the Annexure, in the industrial dispute between the employers in relation to the management of Northern Railway, Lucknow and their workmen, which was received by the Central Government on 22-8-90.

ANNEXURE

BEFORE SHRI ARJAN DEV PRESIDING
OFFICER CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL, PANDU NAGAR, DEOKI
PALACE ROAD KANPUR

Industrial Dispute No. 209 of 1989

Prabhagiya Sachiv

Uttar Rly Karamchari Union

39-II-J Multistoreyed Building,

Rly. Colony, Charbagh, Lucknow.

And

Varishtha Prabhagiya Mach Abiyanta
Uttar Rly., Lucknow

AWARD

1. The Central Government, Ministry of Labour vide its notification no. L-41012|42|88-D-2(B) dt. 29th August, 1989 has referred the following dispute for adjudication to this Tribunal :

“Whether the Sr DME Northern Rly. Lucknow was justified in removing Shri Ram Lakhan Driver Gr. A Special vide his order dt

30-7-87 ? If not, to what relief the workman was entitled to ?

2. The admitted facts are that in respect of an incident of side collision the workman driver Gr A Special Lucknow, was served with SF-V dt. 2-11-87. The charge was that on 23-3-87 as driver of 157 UP Kashiwanath Express at 2.07 p.m., he violated instructions contained in GR 4.35(1) and GR 4.40, causing side collision between 157 UP and 113 UP Express Trains at point No. 98 near Central Cabin Varanasi.

3. The inquiry proceeded ex parte against the workman. The Enquiry Officer, found the charge as proved and by means of order dt. 30-7-87, the Sr. DME Lucknow, N. Rly, the disciplinary authority, awarded him the punishment of removal from service.

4. The case of the union is that the workman who joined railway service on 9-8-50, was promoted as driver Gr. A Special in April 1986. Before 23-4-87, by way of punishment he was reverted to driver Gr. B in violation of article 20(2) of the Constitution of India. The Union has challenged the order of punishment on the ground that during the enquiry proceedings the workman made a request for furnishing of the report of investigating committee Train Signal Register, Log Book etc., but the same were not furnished to him nor even shown to him. On 29-6-87 which was the date fixed in the inquiry, the workman was unwell and was under the treatment of the Rly Doctor. For the postponement of the date the workman sent a telegram but despite that ex parte proceedings were held against him. It is further alleged by the Union that eye examination of the workman was due on 23-12-86 but it was not done on the due date. Subsequently when his eye test was held, it was found by the DMO and DME that he was totally unfit. According to the Union the workman was thus not given full opportunity to defend himself during the inquiry proceedings. The order of removal from service is also bad in law being against the provisions of Secs. 33 and 33A I.D. Act.

5. In defence the management admits that the workman appointed as cleaner on 9-8-50. According to management in respect of earlier two incidents he was awarded punishment for 2 years WIT w.e.f. 1-4-87, and reverted as Driver Gr. B w.e.f. 23-4-87 for two years. The accident occurred on 23-3-87, while the workman was working as Driver Gr. A on Train No. 157 UP. The said train was involved inside collision with 133 UP. On inquiry held he was found responsible for the accident and was awarded punishment of removal from service w.e.f. 4-8-87. The notice of removal from service was duly served on him after great efforts. The inquiry was held in a fair and proper manner. Since the workman did not file any appeal against the order of punishment, the order of removal from service became final. During the inquiry, the workman sought several adjournments on the ground that he was to bring his nominated defence helper. Despite that his defence helper did not attend the inquiry proceedings. Finally on 19-6-87, the workman moved an application before the E.O. stating that he would

nominate another defence helper. Upon that the E.O. fixed 29-6-87 at Varanasi. But the workman failed to attend the inquiry on the said date. In the circumstances, the inquiry proceedings were concluded ex parte against him. After recording statements of departmental witnesses, the E.O. recorded his findings, finding the workman guilty of the charge. The Disciplinary Authority agreed with the findings of the E.O. and awarded the punishment of removal from service to the workman.

6. The other pleas raised by the management are that there is no valid industrial dispute, that the Union which raised the dispute on behalf of the workman is not a recognised Union and as such, has no legal right to raise the industrial dispute on behalf of the workman and that the alleged Zonal Working President has got no legal right to file any claim statement before this Tribunal.

7. In the rejoinder, it is alleged that there is a valid industrial dispute, within the meaning of sec. 2(k) of the Act. The Union further alleges that for the purposes of raising industrial dispute it is not necessary that the Union must be one recognised by the management. Lastly, it is alleged that the management has no right to raise objection with regard to duly elected office bearers of the Union.

8. In support of his case, the Union has filed the affidavit of Shri Ram Laxhan and a number of documents. On the other hand, the management in support of their case have simply relied on documentary evidence.

9. At the very outset I may state that the Tribunal is not concerned with the validity of the earlier orders of punishment passed against the workman as the same are not the subject matter of the present reference. Therefore, I shall keep myself confined only to order of punishment dt. 30-7-87 by means of which, the workman was removed from service by the management.

10. In his cross examination, it has been stated by the workman that the inquiry was not held by Shi Vijai Kumar Sr. DSO. He has further stated that he had nominated Shri B. D. Tewari as his defence helper in the inquiry. He admitted that for some reasons Shri Tewari could not attend the inquiry proceedings on 1st, 3rd, 18th and 19th of June 1987. He also admitted that on 19-6-87, he made an application before the inquiry officer with the prayer that he should be permitted to have another defence helper. According to him the E.O. thereafter, fixed 29-6-87 as the date for hearing. He admitted that for attending the date so fixed he was issued a railway pass 5 or 6 days before the said date along with a letter. Since he failed to attend the inquiry proceedings, on 29-6-87, the inquiry proceedings were held ex parte against him. When it was inquired from him whether for getting inquiry adjourned on 29-6-87 he moved any application he replied that on the basis of his illness he had sent a telegram of the inquiry officer.

10. In para 7 of his affidavit, he has deposed that with the claim statement has been filed the copy

of telegram and the copy of receipt. The copy of receipt is there but not the copy of telegram. However, on the date of arguments he filed the original receipt of the telegraph office with the copy of telegram. The copy of telegram is not a certified copy issued by the telegraph office. It has also not been proved by the Union.

11. Ext. M-2, is the copy of findings given by the E.O. The E.O. has referred to almost every delay with regard to the fact as to how the inquiry proceeded from time to time. He has nowhere referred to the fact that any telegram sent by the workman was received by him. Looking to the several adjournments sought by the workman, the inquiry officer cannot be held as unjustified in proceeding with the inquiry *ex parte* against the workman as on 29-6-87. Mere filing of receipt issued by the telegraph office and the copy of the telegram which as said above is not the certified copy issued by the telegraph department is not sufficient. The workman ought to have filed medical certificate and have examined the medical officer in order to prove the fact of his alleged illness justifying his inability to attend the inquiry proceedings on 29-6-87, in the absence of the documentary evidence, and have examination of the doctor it is not possible to place reliance on his mere testimony. His past conduct shows that he was getting inquiry adjourned from time to time. There is always a limit of granting adjournments. The inquiry officer cannot be expected to linger on the inquiry indefinitely.

12. Thus from the evidence on record it cannot be held that the inquiry proceedings were not conducted in a fair and proper manner.

13. The other point that has been stressed before me by Sh. Tewari, the authorised representative for the workman is that the punishment awarded to the workman is too harsh. The workman was to retire some time in 1988, if the order of his removal from service is allowed to stand he will be deprived of gratuity and pension. After all he had put in 37 years of service in the railway department. Moreover there is no evidence that the side collusion resulted in any loss of life or damage to the railway property. In fact as will appear from the documents filed by the Union, it will appear that the workman was not found fit to work as driver any longer. In para 8 of his affidavit, the workman himself has deposed that on medical examination he was found unfit for any category of service. The documents referred to by Sh. Tewari are annexures K & L to the claim statement. They are copies of medical report dt. 13-8-87 and 21-8-87. From annexure K it appears that the workman could not see beyond 10 ft. If the Union was to rely on these documents, the Union ought to have got these medical reports proved.

14. On the other hand it has been submitted by Shri Chanhan, the authorised representative for the management that the order of punishment does not call for any interference. There was clear negligence on the part of the workman. It was not the first occasion earlier also he had been punished and the

earlier punishments have not been disputed by the Union in its rejoinder.

15. After hearing the two sides and considering the facts and circumstances of the case, I am of the view, that the punishment awarded to the workman is too harsh. The workman who had put in best years of his life in serving the railway should not have been awarded this much punishment so as to deprive him of the retiral benefits.

16. It will be a sufficient punishment for him if he is retired w.d.f. 30-7-87, the date on which the order of punishment was passed against him.

17. The reference is answered accordingly.

ARJAN DEV, Presiding Officer

[No. L-41012/42/88-D.II(B)(Pt)]

K. V. E. UNNY, Desk Officer

नई दिल्ली, 17 अगस्त, 1990

का.आ. 3276.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार कांडला पोर्ट ट्रस्ट, गांधीधाम (कच्छ) के प्रबंधन के संबंधित नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में औद्योगिक अधिकरण ग्रहमदावाद के पंगट को प्रकाशित करती है, जो केन्द्रीय सरकार को 17 अगस्त, 1990 को प्राप्त हुआ था।

New Delhi, the 17th August, 1990

S.O. 2376.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award of the Industrial Tribunal, Ahmedabad as shown in the Annexure, in the industrial dispute between the employers in relation to the management of Kandla Port Trust, Gandhidham (Kutch) and their workmen, which was received by the Central Government on 17th August, 1990.

ANNEXURE

BEFORE SHRI H. R. KAMODIA, PRESIDING OFFICER, INDUSTRIAL TRIBUNAL (CENTRAL), AHMEDABAD

Ref. (ITC) No. 14 of 1982

ADJUDICATION

BETWEEN

Kandla Port Trust, Gandhidham (Kutch).

AND

Their workman

Represented by the Transport & Dock Workers' Union New Kandla.

In the matter of industrial dispute over fixation of pay of Shri A. T. Tulsiani in the post of Divisional Accountant of Kandla Port Trust, with effect from 9-5-1974.

APPEARANCES :

Shri M. J. Sheth, Advocate—for the first party.
Shri V. Premchand, Advocate—for the second party.

AND

This reference between the above-named parties was referred for adjudication by Govt. of India, Ministry of Labour under its Order No. L-37011(1)/82-D-IV(A) dt. 9th June, 1982 under section 7A 10(1)(d) of the Industrial Disputes Act, 1947 to the Industrial Tribunal presided over by Shri G. S. Barot. Subsequently by an appropriate order this reference was referred to this Tribunal for adjudication. The dispute is in regard to the question :—

"Whether the management of Kandla Port Trust has correctly fixed the pay of Shri A. T. Tulsiani on the post of Divisional Accountant with effect from the 9th May, 1974 vis-a-vis the recommendations of the Wage Revision Committee and of the Anomaly Group? If not, to what relief is the concerned workman entitled?"

2. The second party has filed its statement of claim at Ex. 2, wherein it has inter alia contended that the Govt. of India had under a Resolution No. PLO/94/74 dt. 11-12-1974 set up a Wage Revision Committee for Port & Dock workers to inquire into and recommend as to what revision is necessary in the existing Wage Structure of the Port & Dock Workers... The employees employed by the Kandla Port Trust were also covered by the said Reference. Accordingly the said Committee had formulated a wage structure and proposed revised scales. It has also evolved a fitment formula to be applied in respect of employees in service on 1-1-1974. The second party has along with its statement of claim produced certain annexures consisting of the Resolution of the Government appointing the Committee and some extracts from the report of the said Committee. The second party has in its statement of claim made a detailed mention of the contents of those documents. It is not necessary at this stage to refer to the same because I will refer to these contents at an appropriate stage while making an attempt to adjudicate the dispute referred to this Tribunal. The contention of the second party is that Shri Tulsiani was promoted to the post of Divisional Accountant with effect from 9-5-1974. Prior to that he was working as Sr. Clerk. He was drawing pay in the pay scales of Rs. 310—550. The corresponding revised wage scale applicable with effect from 1-1-1974 is Rs. 675—1050. The contention of the second party is that the pay of Shri Tulsiani should have been fixed on the basis of the actual pay which he was drawing as Divisional Accountant in the old scales on 9-5-1974. The first party has initially fixed his pay in the post of Sr. Clerk as on 1-1-1974. Thereafter he was brought over to the revised scale prescribed for the post of Divisional Accountant in accordance with the rules prevailing in the port concerned. According to the second party this is not the correct method adopted by the first party in fixing the pay of Shri Tulsiani because it has resulted in monetary loss to him. The first party has in this way fixed his pay at Rs. 675 as 9-5-1974, whereas as per the calculation of the second party his pay should have been fixed at Rs. 715 p.m. as on 9-5-1974. Some representations were made, but as the demand made by Shri Tulsiani was not accepted the said dispute has ultimately resulted in this Reference by the Central Government.

3. The first party has resisted the claim preferred by the second party by its written statement at Ex. 3, wherein it has admitted certain factual materials relating to the initial appointment of Shri Tulsiani and his date of promotion to the post of Divisional Accountant. However, it has not admitted as true the interpretation made by the second party of certain clauses of the report of the Wage Revision Committee. It has also not accepted the method proposed by the second party in the matter of fixation of pay of Shri Tulsiani in the revised wage structure. It has put up a different interpretation of certain clauses and on that basis it has averred that the pay of Shri Tulsiani cannot be more than Rs. 675 in the post of Divisional Accountant with effect from 9-5-1974. In support of this contention it has tried to put its own interpretation to the various clauses of the report submitted by the Wage Revision Committee and so on these grounds it has prayed that the demand put up by the first party on behalf of Shri Tulsiani deserves to be dismissed with cost.

4. The parties have not adduced any oral evidence. The parties relied on certain documents and more particularly certain clauses from the report of the Wage Revision Committee. The main question is regarding true interpretation of those clauses for the purpose of fixation of the pay of Shri Tulsiani in the revised wage structure in the post of Divisional Accountant as on 9-5-1974. I will therefore now refer to the rival interpretation of the parties and will discuss them for the purpose of coming to a proper decision.

5. Certain facts are not at all in dispute. Shri Tulsiani was holding a substantive post of Sr. Clerk in the wage board's scale of Rs. 170—366 as on 1-1-1974. He was promoted to the post of Divisional Accountant on 9-5-1974. His basic pay in the lower post of Sr. Clerk was Rs. 254 immediately before his promotion to the post of Divisional Accountant. On promotion to the post of Divisional Accountant on 9-5-1974 his pay was fixed at Rs. 310 in the wage board scale of Rs. 310—500. So his basic pay on 9-5-1974 in the post of Divisional Accountant was Rs. 310. All these facts are not at all in dispute.

6. The Govt. of India, Ministry of Shipping and Transport by their Resolution No. PLO/94/74 dt. 11-12-1974 had set up a wage revision committee for Port & Dock Workers to inquire into and recommend as to what revision is necessary in the existing 'Wage Structure' of the Port & Dock Workers. The terms of reference of the said Committee were as mentioned in Annexure-I of the statement of claim of the second party. Under the terms of reference the employees employed by the Kandla Port Trust were also covered and so Shri Tulsiani was also covered by the said terms of reference. The said Committee had formulated a wage structure and thereby proposed revised scales. It had evolved a fitment formula for fixation of pay of the employees who were in service in the Port Trust on 1-1-1974 in the revised pay scales as proposed by it. The recommendations of the wage revision committee are contained in paragraphs 7.29 to 7.34 of its report.

7. The normal rule of interpretation of various clauses contained in one and the same report has to be kept in mind. The clauses are to be interpreted as complimentary to each other. They are not to be interpreted as if one clause runs counter to the other clause, having the effect of modifying or repeating. There should be harmonious interpretation of the various clauses of the report of wage revision committee. Two clauses of the report of wage revision committee are to be taken into consideration and they are to be interpreted in an appropriate manner. The answer to the question posed by the parties entirely depends upon the true interpretation of the said two clauses. Those clauses are 7.29 and 7.31. As earlier observed both these clauses are to be interpreted as complimentary to each other. They operate in different fields. They are not overlapping. One has not got the effect of amending modifying or cancelling the other. Clause 7.31 provides for a method for fixation of pay in a given situation. Therefore that clause has to be resorted to in case of such a situation. It cannot be resorted to if such a situation is not in existence.

8. The Wage Revision Committee has prescribed a general formula for fitment of employees in the revised scales proposed by it and it is to be found in clause 7.29 of its report. It says that in the first instance total emoluments of an employee as on 1-1-1974 should be determined. Now admittedly Shri Tulsiani was in service of the first party 1-1-1974. It is not that he was appointed by the first party for the first time on or after 1-1-1974. Of course he was promoted to a higher grade after 1-1-1974. However, that will not mean that he was for the first time freshly appointed as a Divisional Accountant on 9th May, 1974. It is not permissible conveniently to shut out eyes to the hard fact that Shri Tulsiani was working as a Sr. Clerk on 1-1-1974, and so he was drawing some pay in the scales. He then prescribed for that post. Consequently initially his pay as on 1-1-1974 will have to be fixed in the post of Sr. Clerk. There is no escape from this conclusion. In view of the clear mandate contained in paragraph 7.29 (a)(i) of the report of the Wage Revision Committee. Thus it is clear that Shri Tulsiani was in the employment as on 1-1-1974 and so there should be no difficulty in fixing his

pay as on 1-1-1974 in the post in which he was then working. The expression "in the first instance" and "as on the 1st January, 1971" are very very significant. They are not superfluous or in the nature of surplusage. They are to be given their due weight. They are used with a purpose. These are substantive expression and so they are got to be complied with substantively. Therefore to start with the total emoluments of an employee already in service on or before 1-1-1974 will have to be determined as on 1-1-1974. Consequently total emoluments of the concerned employee in the post held by him on 1-1-1974 will have to be first determined on the basis of the pay scales applicable to that post and on that basis his pay as on 1-1-1974 in the corresponding revised wage structure has to be worked out. This was exactly the exercise done by the first party for the fixing of the pay of Shri Tulsiani. This was quite consistent with the method proposed in para 7.29 of the report of the Wage Revision Committee. Such an exercise undertaken by the first party can be said to be consistent with what is contained in paragraph 7.29 of the Report of the Wage Revision Committee. As a matter of fact the first party was required to fix his pay on the actual post held by him on 1-1-1974 since he was already in service on or before 1-1-1974 and so such an exercise undertaken by the first party cannot be questioned as contrary to or inconsistent with what is contained in paragraph 7.29 of the report of the Wage Revision Committee. It appears that the second party is conscious of this fact and that is why it has tried to press in service of the contents of paragraph 7.31 of the report of the Wage Revision Committee for the purpose of emphasizing that the method adopted by the first party in initially fixing the pay of Shri Tulsiani in the post of Sr. Clerk is not correct and that his pay should have been straightaway fixed as on 9-5-1974 as Divisional Accountant in the corresponding revised wage structure recommended by the Wage Revision Committee. At this stage it will be necessary to take into consideration the contents of paragraph 7.31 of the report of Wage Revision Committee. It provides for bringing over to appropriate revised scales, employees appointed to any grade or promoted to a higher grade on or after 1-1-1974. Shri Tulsiani was of course promoted to a higher grade as Divisional Accountant after 1-1-1974. However, it can not be said that this was his first or fresh appointment. So far as the first party is concerned, he was already in service before his promotion to the post of Divisional Accountant. Hence when he was already in service on or before 1-1-1974 his initial pay as on 1-1-1974 has to be fixed by applying the fitment formula contained in paragraph 7.29 (a) of the Wage Revision Committee. It is pertinent to note that paragraph 7.31 does not say in so many words that the employees appointed to any grade or promoted to a higher grade on or after 1-1-1974 shall be brought over to the revised wage structure from the date of their appointment or promotion as the case may be by adopting the general formula of fitment contained in paragraph 7.29 of the Wage Revision Committee. This will therefore go to show that what is contained in paragraph 7.31 operates in a different field. It provides for a situation where a person was promoted after 1-1-1974. The question would arise in regard to the fixation of the pay of a person promoted after 1-1-1974. As per paragraph 7.29 of the report of the Wage Revision Committee the pay of that employee will have to be fixed as on 1-1-1974 in the post then held by him. The question would arise as to how thereafter his pay is to be fixed in the promotion post for which the Wage Revision Committee has prescribed the revised wage structure. It is to meet with this situation that the said committee has suggested a method in paragraph 7.31 of its report. In such a case the pay of that employee has to be fixed in the revised pay scales prescribed for the promotion post held by him and that should be in accordance with the rules prevailing in the Port concerned. Paragraph 7.31 does not say that his pay shall be fixed in accordance with the fitment formula contained in paragraph 7.29 (a) of the report. It says that his pay shall be fixed in accordance with the rules prevailing in the Port concerned. It is an admitted fact that the fundamental Rule 22(c) pertains to the method of fixation of pay of an employee at the time of his promotion to a higher grade. So the words and expression "in accordance with the Rules prevailing in the port concerned" occurring in paragraph 7.31 of the

report of the Wage Revision Committee would mean that the pay is to be fixed in accordance with the formula contained in fundamental rule 22(c). In the instant case the second party has not made an attempt to fix the pay of Shri Tulsiani as on 9-5-1974 by resorting to paragraph 7.31 of the Wage Revision Committee but it has made an attempt to apply the fitment formula contained in paragraph 7.29 (a) of that report. This is not permissible because paragraph 7.31 does not say that the pay is to be fixed on the basis of the general formula for fitment contained in paragraph 7.29 (a) of the report, but then it in express terms says that the pay shall be fixed in accordance with the rules prevailing in the Port concerned, i.e. on the basis of the formula contained in fundamental Rule 22(c). Paragraph 7.31 says that the employees should be brought over to the appropriate proposed scale from the date of their promotion. It does not say that the pay of the employees promoted after 1-1-1974 should be fixed in the revised scale as on the date of their promotion. They are to be brought over to the appropriate proposed scale from the date of their promotion. Hence their initial pay is to be fixed as per para 7.29 (a) as on 1-1-1974 in the post held by each of them and thereafter they are to be brought over to the revised scale from the date of their respective promotion in accordance with fundamental rule 22(C).

9. The learned advocate for the second party has drawn my attention to the report of the anomaly group on the recommendation of the Wage Revision Committee for Port and Dock Workers at major ports. The paragraph 3.8 is relevant in respect of the suggestions contained in paragraph 7.31 of the report of the Wage Revision Committee. It appears that the recommendations contained in that paragraph of the report of the Wage Revision Committee was clarified by the Ministry vide letter No LWR-27/77.D.II dated 4-8-1977. Therein it was observed that in all cases of fresh appointment on or after 1-1-1974 the pay will be fixed at the minimum of the revised scale. In the instant case Shri Tulsiani was not appointed for the first time after 1-1-1974. Of course he was promoted on 1-1-1974 but then it cannot be said that in law it amounted to fresh appointment. He was already in service and so with reference to his previous service as a Sr. Clerk, his promotion will not amount to a fresh appointment and consequently his pay cannot be fixed on 9-5-1974 on the basis of the formula contained in paragraph 7.29 of the Wage Revision Committee. The Paragraph 3.8.2 of the report of the anomaly group is also very clear. It says that the person appointed for the first time to the service of a port trust have to be governed ab initio by the revised pay scale which came into force from 1-1-1974. It was represented that in some ports, persons who were already in the service of the Port and who were appointed on or after 1-1-74 to the posts which were not in their direct line of promotion have also been treated as cases of fresh appointment and their pay has been fixed only at the minimum of the WRC scale. It was observed in paragraph 3.8.2 of the report of the anomaly group that this is not strictly in accordance with the recommendations contained in paragraph 7.31 of the WRC's Report. Hence it had recommended that in such cases where a person already in the service of port is appointed on or after 1-1-1974 to a post not in the direct line of promotion, the pay in the post should be fixed in the WRC scale in accordance with the rules prevalent in the port concerned. So it was clarified that the pay in the new post should be fixed in the WRC scale on the basis of the fundamental rule 22c. Then the anomaly group has clarified that in such a case the pay is to be fixed in accordance with the rules prevailing in the port concerned i.e. in accordance with the fundamental Rule 22(c). It was further clarified that in ports where under the normal rules the pay is fixed at a higher stage in the scale after giving the benefit of past service, pay drawn in the previous post etc. and the pay had thus been fixed in the Wage Board scale of the new post, his pay may be re-fixed in the WRC scale on the basis of his pay fixed in the Wage Board scale. Therefore initially his pay has to be fixed on 1-1-1974 and thereafter he has to be brought over in the corresponding revised scale applicable to the post in which he was promoted in accor-

dance with the method contained in fundamental 22(c). This was exactly the exercise undertaken by the first party for fixing the pay of Shri Tulsiani. In this view of the matter there is absolutely no merit in the contention of the second party relating to fixation of the pay of Shri Tulsiani. There is also no substance in the contention raised by the second party that the pay of Shri Tulsiani should have been fixed as straightway fixed as on 9-5-1975 in the post of Divisional Accountant.

10. The result therefore is that the demand put forward by the second party relating to pay fixation of Shri Tulsiani will have to be rejected. So I pass the following order.

ORDER

For the reasons aforesaid the demand of the second party contained in the industrial dispute referred to this Tribunal for adjudication stands rejected. No order as to cost. Ahmedabad,

Dt. 24th July, 1990.

H. R. KAMODIA, Presiding Officer

[No. L-37011(i)|82-IV(A)|IR(Misc.)]

का.श्रा. 2377.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार में जगसन इन्टरनेशनल, नई दिल्ली के प्रबन्धतंत्र के संबंध निधियों और उनके कर्मचारियों के बीच, अनुबंध में निदिष्ट औद्योगिक विवाद में केन्द्रीय अधिकरण, हैदराबाद के पंचाट को प्रकाशित करती है, जो केन्द्रीय सरकार को 16 अगस्त, 1990 को प्राप्त हुआ था।

S.O. 2377.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (1947), the Central Government hereby publishes the award of the Industrial Tribunal, Hyderabad as shown in the Annexure, in the industrial dispute between the employers in relation to the management of M/s. Jagson International, New Delhi and their workmen, which was received by the Central Government on 16th August, 1990.

ANNEXURE

BEFORE THE INDUSTRIAL TRIBUNAL AT HYDERABAD

PRESENT :

Sri K. Taranadh, B. Com., B.L., Industrial Tribunal.

Dated, the 27th July, 1990

Industrial Dispute No. 115 of 1988

BETWEEN

The Workmen of Jagson International, Banmalkan-party Black Granite Mine, Warangal District (A.P.) (R. Bhoopal Reddy) Workmen/Petitioner

AND

1. M/s. Jagson International, rep. by Sri Jagadish Prasad Gupta, (Proprietor) 5-Krishna Menon Lane, New Delhi-110011.
2. The Branch Incharge, Jagson International Black Granite Mines and Exports, 1-2-32, Main Road, Kazipet, A.P. 506003.
3. Sri Laxminarayana Gupta, Managing Director, Jindal International Pvt. Ltd. 1-11-252/13, Jabar Estate Building, Begumpet, Main Road, Hyderabad-506016.

4. Sri Laxminarayana Gupta, Managing Director, Magna Hardtemp Ltd. (Formerly Hardtemp Steels Pvt. Ltd.) C/o Magna Foundriner Ltd., 1-11-252/13, Jabar Estate Building, Begumpet Main Road, Hyderabad-500016 Management/Respondent

APPEARANCES :

Sri M. Madhava Reddy, General Secretary of the A.P. Unit of the Hind Mazdoor Kisan Panchayat—for the Workmen.

None for Respondent 1 and 2 Smt. S. Vanl, Advocate for Respondent Nos. 3 and 4 for Management

AWARD

The Government of India, Ministry of Labour by its Order No. L-29012/43/88-D.II (B) dated 21-12-1988 referred the following dispute under Section 10(1)(d) and (2A) of the Industrial Disputes Act, 1947 between the Management of M/s. Jagson International in relation to their Banmalkan-party Black Granite Mine, in Dist. Warangal (A.P.), to this Tribunal for adjudication :

"Whether the action of the management of M/s. Jagson International, having Head Office at 5-Krishna Menon Lane, New Delhi and Branch Office at 1-2-32, Main Road, Kazipet-506003 (A.P.) in terminating the services of Shri R. Bhoopal Reddy, Jr. Assistant w.e.f. April, 1987 is justified? If not, to what relief the workman concerned is entitled?"

This reference is registered as Industrial Dispute No. 115 of 1988 and notices were issued to the parties.

2. The claim statement filed on behalf of the Petitioner-Workman, it is alleged that the petitioner-workman was first appointed as Junior Assistant on temporary basis, again appointed from 3-9-81; in the reference there was only Jagson International Head Office at New Delhi and Branch Office at Kazipet, two were shown as the Respondents. Then a petition was filed by the Petitioner Workman in M.P. No. 107/89, by which he sought to add two more persons Managing Director, Jindal International Private Limited and Managing Director, Magna Hardtemp Limited, Hyderabad, as Respondent No. 3 and respondent No. 4. Though Managing Directors are of different companies they are only one individual namely Laxminarayana Gupta, that Respondents 3 and 4 were represented by a counsel and after hearing, my learned predecessor pronounced the order on 17-2-1990 adding them as parties to the dispute and thus in toto there are four Respondents.

3. In the claim statement filed on behalf of the Workman, it was alleged that he was appointed as Junior Assistant in the year 1981 by Respondent-4, again appointed by Respondent-3 on 1-3-1982 and his services were confirmed by Respondent-3. Respondent-4 asked him to work under Respondent 1 and 2 and he accordingly worked there from 26-1-1983. He was being paid salary and increments from January 1983 to May 1986 by Respondent-4 and he was working on the direction and instructions of Respondent-1 from 1983 to April 1987 and terminated from service on that date. He worked on three different places namely under Respondent-4, Respondent 3 and Respondent-2 at Kazipet. Jagson International Black Granite Mines representing Respondents-1 and 2 and Laxminarayana Gupta representing Respondents 3 and 4 are brothers, and they are having common and mutual interest in all the establishments. Infact they are all one and the same for all practical purposes and different on Papers for names sake. On 5-11-1985 and 18-12-1985 letters were issued by Respondent-4 and the workman never acted as retainer and the services of the workman were terminated, finally from 1-5-1987 by Respondent-2 which is unfair and unjustified. Ending services of the workman amounts to termination which liable to be summarily rejected and set aside treating it as unlawful act and the services of the workman cannot be treated as retainer service at all and hence it is requested for ordering reinstatement with continuity of service and grant of all back wages etc.

4. A perusal of the record indicates that Respondents 1 and 2 were served and Respondents 3 and 4 as mentioned

earlier, were even represented by an Advocate and after full hearing, they were added as parties. But unfortunately none of the Respondents made their appearance and no counter were filed at all. Hence they were all set aside and the workman was examined as WW-1. On his behalf, as many as 48 documents were marked. Ex. W-1 indicates that in August 1981 he was offered a job by Respondent-4 (Magna Hardtemp) and the appointment letter is Ex. W-2 by Respondent-4. He was appointed on temporary basis as Junior Assistant on a consolidated salary of Rs. 300.00. Again he was given another appointment from March 1982, this time by Respondent-3. How an employee of Respondent-4 can be again employed by Respondent-3 is really understandable. As per Ex. W-4 Respondent-3 stated that the probation was completed and the consolidated salary was fixed at Rs. 400.00 and this is a letter of 1982. Ex. W-5 is another letter of February 1983. It is an enquiry from Respondent-1 that is the Delhi Office. Likewise Ex. W-5 to W-9 are the letters issued/addressed by the Respondent-1 to the workman from February 1983 to August 1983. Then Respondent-4 is the present Magna Hardtemp Limited came into picture and Ex. W-10 is the letter of 1983 addressed to the worker. Ex. W-11 is a letter by Respondent-4. Ex. W-12 is again another letter of December 1983 by Hardtemp Steels Private Limited. Ex. W-13 is by Magna. Thus evidently this Magna Hardtemp and Hardtemp are one and the same and though they informed the worker at all times, they were addressing letters to him. Again Respondent 1 came into picture and they went on addressing letters and copies to the worker. Ex. W-14, Ex. W-15 again by Respondent-4. Exs. W-16, W-17 and W-18 by Respondent-1, Exs. W-19 and W-20 are by Respondent-4, again Ex. W-21 by Respondent-1 Ex. W-22 to W-24 by Respondent-4, Ex. W-25 by Respondent-1 and Exs. W-26 to W-29 are by Respondent-4 and Ex. W-30 by Respondent-1. Again Exs. W-31 to W-39 by Respondent-4, and Ex. W-40 by Respondent-1, again Ex. 41 by Respondent-4 and Exs. W-42 to W-48 by Respondent-1.

5. As rightly pointed out by the learned representative of the workman, in Ex. W-41 by Respondent-4 says that the worker was working all the while for Respondent-1. But Ex. W-31 shows that Rs. 660.00 demand draft was sent by Respondent-4 only. Thus as rightly contended that all the four firms are one and the same and they were tossing the worker as they pleased. The appointment letter from 1-3-1982 was with Respondent-3 and he was appointed as Junior Assistant. But in the later documents, from Ex. W-33 dated 18-12-1985 onwards the word used was 'Retainer'. Earlier the same Company namely Respondent-4 paid him 'salary' Ex. W-29. He is an 'Office Assistant' Ex. W-30 and again 'salary' was paid in Ex. W-31 dated 5-11-1985 but by 8-12-1985 Ex. W-32 he became a 'Retainer'. Afterwards the same word 'Retainer' and 'Retainership' was used.

6. In view of all these things, an Award is hereby passed ordering immediate reinstatement of the workman i.e. Sri R. Bhoopal Reddy, Jr. Assistant into service with continuity of service and all attendant benefits and with full back wages and the amount to be paid by Respondent 4.

Dictated to the Stenographer, transcribed by him, corrected by me and given under my hand and the seal of this Tribunal, this the 27th day of July, 1990.

K. TARANADII, Industrial Tribunal

[No. L-29012/43/88-D.III (B);

Appendix of Evidence

Witnesses Examined
for the Workman :

WW-1—R. Bhoopal Reddy.

Witnesses Examined

for the Management :

(i.e. R-1 to R-4)

NIL.

Documents marked for the Workman

Ex. W-1—Interview letter dated 28-8-1981 from the General Manager Hardtemp Steel Private Limited (R-4) to R. Bhoopal Reddy.

Ex. W-2—Appointment Order dated 31-8-1981 issued to R. Bhoopal Reddy by the General Manager Hardtemp Steel Private Limited (R-4)

Ex. W-3—Appointment Order dated 27-2-82 issued to R. Bhoopal Reddy by the Director Jindal International Private Limited (R-3)

Ex. W-4—Confirmation Order dated 9-7-1982 issued to R. Bhoopal Reddy by the Director Jindal International Pvt. Ltd., (R-3)

Ex. W-5—Letter dated 11-2-83 addressed to M/s. Jindal International Kazipet (R-2) by the Jagson International 5 Krishna Menon Lane, New Delhi (R-1) and copy to R. Bhoopal Reddy with regard to daily Quarry reports.

Ex. W-6—Letter dated 28-4-83 of the Jagson International 5 Krishna Menon Lane, New Delhi (R-1) to R. Bhoopal Reddy with regard to Quarry reports

Ex. W-7—Letter dated 27-6-83 of the Jagson International 5 Krishna Menon Lane, New Delhi (R-1) to R. Bhoopal Reddy with regard to Joining of Manu in the company.

Ex. W-8—Letter dated 1-7-83 of the Jagson International 5 Krishna Menon Lane, New Delhi (R-1) to R. Bhoopal Reddy with regard to work.

Ex. W-9—Letter dated 16-8-83 of the Jagson International 5 Krishna Menon Lane, New Delhi (R-1) to R. Bhoopal Reddy with regard to work.

Ex. W-10—Letter dated 28-9-83 of the Administrative Manager, Magna Hardtemp Limited (R-4) to R. Bhoopal Reddy with regard to details of date-wise and Monthwise Production in the granite quarry during the period 1st April, 1982 to 31st March, 1983.

Ex. W-11—Letter dated 30-11-83 of Chief Executive Magna Hardtemp Limited (R-4) to R. Bhoopal Reddy with regard to Sanction of Annual increment.

Ex. W-12—Letter dated 3-12-83 of Personnel Manager Hardtemp Steel Private Limited (R-4) to R. Bhoopal Reddy with regard to sanction of Annual Increment. (Ex. W-11)

Ex. W-13—Letter dated 29-2-84 of Engineer (Projects and Materials) Magna Hardtemp Limited (R-4) to R. Bhoopal Reddy asking for appointment letter.

Ex. W-14—Letter dated 3-3-84 of Jagson International 5 Krishna Menon Lane, New Delhi (R-1) to Magna Hardtemp Ltd. (R-4) and copy to R. Bhoopal Reddy with regard to house rent allowance.

Ex. W-15—Letter dated 14-3-84 of Magna Hardtemp Limited (R-4) to R. Bhoopal Reddy with regard to return of appointment order and confirmatory letter.

Ex. W-16—Letter dated 11-6-84 of Jagson International 5 Krishna Menon Lane, New Delhi (R-1) to R. Bhoopal Reddy with regard to work.

Ex. W-17—Letter dated 29-8-84 of Jagson International 5 Krishna Menon Lane, New Delhi (R-1) to A. Nizamuddin and copy to R. Bhoopal Reddy with regard to work.

Ex. W-18—Acknowledgement dated 3-9-84 from R. Bhoopal Reddy to Jagson International Kazipet (R-2) with regard to folding Steel cot.

Ex. W-19—Letter dated 17-9-84 of Magna Hardtemp Limited (R-4) to R. Bhoopal Reddy with regard to Salary for the month of August, 1984.

Ex. W-20—Letter dated 10-11-84 of Manager-Personnel Magna Hardtemp Limited (R-4) to R. Bhoopal Reddy with regard to Salary for the month of October, 1984.

- Ex. W-21—Letter dated 8-8-1985 of Jagson International 5 Krishna Menon Lane, New Delhi (R-1) to R. Bhopal Reddy asking for Biodata.
- Ex. W-22—Letter dated 17-4-85 of Administrative Officer Magna Hardtemp Limited (R-4) to R. Bhopal Reddy with regard to Salary for the month of March, 1985.
- Ex. W-23—Letter dated 30-4-1985 of Administrative Officer, Magna Hardtemp Limited (R-4) to R. Bhopal Reddy with regard to Service charges for the month of April, 1985.
- Ex. W-24—Letter dated 29-5-85 of Commercial Manager, Magna Hardtemp Ltd. (R-4) to R. Bhopal Reddy, with regard to Sanction of increment.
- Ex. W-25—Letter dated 29-5-1985 of Jagson International 5 Krishna Menon Lane, New Delhi (R-1) to R. Bhopal Reddy with regard to Quarry Report and bills of production done by the contractor.
- Ex. W-26—Letter dated 4-6-85 of Administrative Department Magna Hardtemp Limited (R-4) to R. Bhopal Reddy with regard to Salary for the month of June, 1985.
- Ex. W-27—Letter dated 10-8-85 of Administrative Department Magna Hardtemp Ltd., (R-4) to R. Bhopal Reddy with regard to salary for the month of July, 1984.
- Ex. W-28—Letter dated 19-9-85 of Administrative Department Magna Hardtemp Limited (R-4) to R. Bhopal Reddy with regard to salary for the month of August, 1985.
- Ex. W-29—Letter dated 5-10-85 of Administrative Department, Magna Hardtemp Limited (R-4) to R. Bhopal Reddy with regard to salary for the month of September, 1985.
- Ex. W-30—Certificate dated 28-10-85 issued by incharge Jagson International Mines and exporters, Kazipet (R-2) to R. Bhopal Reddy.
- Ex. W-31—Letter dated 5-11-85 of Administrative Department, Magna Hardtemp Limited (R-4) to R. Bhopal Reddy with regard to Salary for the month of October, 1985.
- Ex. W-32—Letter dated 18-12-85 of Commercial Manager, Magna Hardtemp Limited (R-4) to R. Bhopal Reddy with regard to retainership fee for the month of November, 1985.
- Ex. W-33—Letter dated 6-1-86 of Deputy Manager (Commercial) Magna Hardtemp Limited (R-4) to R. Bhopal Reddy with regard to retainership fee for the month of December, 1985.
- Ex. W-34—Letter dated 20-1-86 of Magna Hardtemp Limited to R. Bhopal Reddy with regard to encashment of leave.
- Ex. W-35—Letter dated 5-2-86 of Commercial Manager, Magna Hardtemp Limited (R-4) to R. Bhopal Reddy with regard to retainership fee for the month of January, 1986.
- Ex. W-36—Letter dated 4-3-86 of Commercial Manager, Magna Hardtemp Limited (R-4) to R. Bhopal Reddy with regard to retainership fee for the month of February, 1986.
- Ex. W-37—Letter dated 17-4-86 of Magna Hardtemp Limited (R-4) to R. Bhopal Reddy with regard to retainership fee for the month of March, 1986.
- Ex. W-38—Salary particulars dated 6-5-86 for the month of April, 1986 and arrears for March 1986 of R. Bhopal Reddy furnished by Magna Hardtemp Limited (R-4).
- Ex. W-39—Letter dated 26-6-86 of Magna Hardtemp Limited (R-4) to R. Bhopal Reddy with regard to retainership fee for the month of May, 1986.

- Ex. W-40—Letter dated 12-3-86 of Jagson International (R-1) to R. Bhopal Reddy with regard to leave.
- Ex. W-41—Letter dated 17-9-86 of General Manager (Commercial) Magna Hardtemp Limited (R-4) to R. Bhopal Reddy with regard to Service particulars.
- Ex. W-42—Letter dated 12-11-86 of Jagson International 5 Krishna Menon Lane, New Delhi (R-1) to R. Bhopal Reddy with regard to retainership fee for the months of June to October 1986.
- Ex. W-43—Letter dated 4-12-86 of Jagson International 5 Krishna Menon Lane, New Delhi (R-1) to R. Bhopal Reddy with regard to retainership fee for the month of November, 1986.
- Ex. W-44—Letter dated 3-1-87 of Jagson International 5 Krishna Menon Lane, New Delhi (R-1) to R. Bhopal Reddy with regard to payment for the month of December, 1986.
- Ex. W-45—Letter dated 2-2-1987 of Jagson International 5 Krishna Menon Lane, New Delhi (R-1) to R. Bhopal Reddy with regard to retainership fee for the month of January, 1987.
- Ex. W-46—Letter dated 3-3-87 of Jagson International 5 Krishna Menon Lane, New Delhi (R-1) to R. Bhopal Reddy with regard to retainership fee for the month of February, 1987.
- Ex. W-47—Letter dated 3/15-4-87 of Jagson International 5 Krishna Menon Lane, New Delhi (R-1) to R. Bhopal Reddy with regard to retainership fee for the month of March, 1987.
- Ex. W-48—Letter dated 2-5-87 of Jagson International 5 Krishna Menon Lane, New Delhi (R-1) to R. Bhopal Reddy with regard to retainership fee for the month of April, 1987.

Documents marked for the Management (i.e. R-1 to R-4)

NIL

K. TARANADH, Presiding Officer
[No. L-29012/43/88-D.III(B)]

का.आ. 2378 — औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार विशाखापत्तनम पोर्ट ट्रस्ट, विशाखापत्तनम के प्रबन्धन के संबंध नियोजकों और उनके कर्मचारियों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में प्रयोगित रोजगार, हड़रवाद के पंचपट को प्रकाशित करती है, जो केन्द्रीय सरकार की 16 अगस्त 1990 को प्राप्त हुआ था।

S.O. 2378.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award of the Industrial Tribunal, Hyderabad as shown in the Annexure, in the industrial dispute between the employers in relation to the management of Visakhapatnam Port Trust, Visakhapatnam and their workmen, which was received by the Central Government on 16th August 1990.

ANNEXURE

BEFORE THE INDUSTRIAL TRIBUNAL AT HYDERABAD

PRESENT :

Sr K. Taranadh, B. Com., B.L., Industrial Tribunal.

Dated, the 25th July, 1990

Industrial Dispute No. 15 of 1987

BETWEEN

The Workmen of Visakhapatnam Port Trust
Visakhapatnam (Smt. Sanapala Satyavathi).

AND

The Management of Visakhapatnam Port Trust,
Visakhapatnam. (A.P.).

APPEARANCES :

Sri B. G. Ravindra Reddy, Counsel—for the Workman.
Sarvasri K. Srinivasa Murthy, P. Dhananjaya, Advocates
—for the Management.

AWARD

The Government of India, Ministry of Labour by its Order No. L-34012/1/86-D.IV(A) dated 27-4-1987 referred the following dispute under Sections 10(1)(d) and (2A) of the Industrial Disputes Act, 1947 between the employers in relation to the Management of Visakhapatnam Port Trust and their workman Smt. Sanapala Satyavathi to this Tribunal for adjudication :

"Whether the action of the management of Visakhapatnam Port Trust in removing Smt. Sanapala Satyavathi, Ex-Aya from service w.e.f. 5-7-1983 is justified ? If not, to what relief is the workman concerned entitled ?"

This reference is registered as Industrial Dispute No. 15 of 1987 and notices were issued to the parties.

2. The workman filed a claim statement contending that the enquiry was initiated against her, that she demanded Rs. 5.00 from Smt. Nagarathnam wife of Nookaraju on 28-5-1982 and when she was not having Rs. 5.00 and gave only Rs. 4.00 to the workman, she complained to her husband and on 1-6-1982 she returned those Rs. 4.00. The statement was recorded on 2-6-1982 and with all these allegations, the charge sheet was issued against her and enquiry was initiated and a report said to have been given on 2-6-1982, accepting the evidence of the witnesses examined by him in a prejudicial manner, report was given against her and accepting the report, she was removed from service and that the entire proceedings are opposed to the principle of natural justice. The enquiry was conducted in a prejudicial manner and subsequent addition of the clauses in the penalties order regarding past conduct amply manifests the intention of the Management to victimise this delinquent and requests that the order may be set aside and an Award may be passed to reinstate her into service.

3. A counter was filed on behalf of the Management of Port Trust contending that the enquiry was conducted against her on two charges, in her explanation she requested for an enquiry, a domestic enquiry was carried on, the Enquiry Officer submitted his report stating that the charges against the delinquent employee was proved, the disciplinary authority having agreed with the findings of the Enquiry Officer, gave a show cause notice and after the reply of the show cause notice only, she was removed from service. She also got very poor of her service and three punishments were imposed on her previously and the enquiry was conducted following the principles of natural justice etc. It is submitted that Aya working in the Port Trust Hospital is expected to be courteous in attending to her patients and should not give any room for complaints against her, that the offence committed by Satyavathi in demanding money from a lady patient, especially during the time of her labour pains is inhuman and hence she deserves severe punishment. In order to ensure that such mal-practices are not committed by the other employees in the Port Hospital in future, a deterrent punishment of removal from service was imposed on the petitioner and requests the reference may be dismissed.

4. A perusal of the record further indicates for the Management one witness was examined as M.W1 and for workman one witness was examined as W.W1 and her representation was marked as Ex. X1. On behalf of the Management as many as 16 documents were marked.

5. The matter was heard with regard to the validity of the domestic enquiry and the order passed by this Tribunal on 3-7-1990. It was held that the domestic enquiry conducted was held to be valid, fair and not at all vitiated.

6. Hence the matter was heard finally.

7. Here it is evident that the workman was removed from service on 5-7-1983 i.e. exactly 7 years back. A perusal of the charge sheet Ex. M2 indicates that there were two charges framed against her. For demanding Rs. 5.00 and accepting Rs. 4.00 from one patient Smt. K. Nagarathnam on 28-4-1982. The second charge was on 7-6-1982 at about 9.00 a.m. being already suspended, approached the Senior Nurse, enquired about the address of the same patient K. Nagarathnam and when she said she should not ask for such information, she again came directly to the bed of the said Nagarathnam, verified the case-sheet without permission of the Duty Nurse and Supervisory staff. Of course a perusal of the record Ex. M6 indicates that the patient Nagarathnam, her husband Gangaraju, Sister-in-Charge one Satyavathi, another two Nurses one Varalakshmi and Lakshminibai and Doctor Z. S. Mehdi were examined. Evidently a report was also received from Ganga Raju dated 2-6-1982 which set the ball in motion. Of course the learned Advocate for the workman contended that Nagarathnam stated that her husband did not see the money transaction and she has undergone operation on 2-6-1982, she could not give complaint on 2-6-82 and she gave the complaint only after the operation. She did not know the reason why workwoman and Satyavathi, Duty Nurse quarreled with each other. On 2-6-1982 the Doctor visited her and recorded her statement about the transaction in which she gave the facts.

8. Thus as rightly argued by the learned Advocate for the workwoman, it is evident that the demand and acceptance was on 28-5-82. Even if it is taken as accepted and as true, the patient was operated not on the same day but six days afterwards i.e. 2-6-1982. Then only she reported the matter to her husband. It is not explained and somewhat not understood by this Tribunal also, why she kept quiet for six days for complaining about this matter to her husband. It is not brought out in the evidence that Smt. Nagarathnam was suffering with labour pain in such a way that she cannot report this matter to her husband, her husband was not in a position to devote his attention to this aspect of the matter as he was undergoing terrible pain etc. In these circumstances why she kept quiet for about six days without bringing it to the notice of the husband is somewhat curious in the circumstances. A perusal of this complaint Ex. M9 indicates that Nagarathnam signed on this complaint and it was drafted by in the handwriting of Satyavathi, Sister-Incharge who was examined as M. W3 at the time of domestic enquiry. Ex. M8 is the complaint of the said Ganga Raju which is also dt. 2-6-1982. As per this complaint Ex. M8 this Ganga Raju questioned Aya, she denied that she did not take and the next day she returned Rs. 4.00.

(Regional Language)

But in her complaint Ex. M9 Nagarathnam stated

(Regional Language)

9. Of course this is not a criminal Court to try to find out the contradictions etc. between the documents. But even a mere perusal of Exs. M8 and M9 indicate that the alleged payment to Aya was made on 29-5-1982. It was returned on 1-6-1982 as per the wife of Gangaraju but on the next day as per the husband. It is also evident that on 2-6-1982 the patient was operated and this Ex. M9 report by the wife was given on the same date and it is the handwriting of Smt. Satyavathi, Sister-Incharge.

10. As mentioned earlier it is somewhat curious why Nagarathnam kept quiet for five or six days and much more curious that Ex. M9 was only given on the date of operation i.e. 2-6-1982. Smt. B. Satyavathi, Sister-incharge was examined at the time of domestic enquiry. As per her statement S.C. 2 i.e. Ex. M9 was recorded in the presence of the Medical Officer Dr. Mehdi. There was a specific question in cross examination at the time of domestic enquiry "Please state whether you have direct knowledge about the transaction recorded in S.C. 2—No". Question : "Have you conducted discrete inquiries to testify the content of the S.E2 by contacting the patients around bed No. 8 ? Ans. No". Another question is "I put it to you that there is every possibility for the patient on bed No. 8 (S.W2) and her husband (S.W1) and nurse U. Varalakshmi having conspired against B. Satyavathi (Charges Officer) and made out a false report in collusion among these three. What have you to say ? Ans. I cannot offer and reason on that account, since I am not directly connected to this issue."

11. In these circumstances and in this background, an argument was raised by the learned Advocate for the Management that the charges were proved and the workwoman occupied the post of utmost faith and especially working in a Labour Ward, when patient comes for delivery, she is expected to render service and give utmost countous treatment to her. On the other hand she demanded money and she accepted it and later on also quarrelled with Senior Nurse after suspension etc. It is a post which requires that utmost consideration should be shown towards patients that join the labour ward, in such a case no mercy should be shown, only to avoid untoward events the management imposed the maximum punishment of removal from service.

12. On the other hand, the learned Advocate for the workwoman contended that no hard and fast rule of universal application can be laid down but any how fair play towards the employee on the one hand and interest of the employer including the discipline of the establishment. On the other hand discipline should be safeguarded and also the security and tenure of the employee must also be taken into consideration and proper balance has to be maintained. He also placed strong reliance on two reported decision in RAMAKANT MISRA v. STATE OF U. P. (AIR 1982 S. C. page 1552) where the allegation against the delinquent workman was "that the language used by him threatening posture, though indiscreet, improper, abusive language may show lack of culture but merely the use of such language on one occasion, unconnected with any subsequent positive action and not preceded by any blameworthy conduct during 14 years of service, would not permit an extreme penalty of dismissal from service and interference by the Supreme Court would be warranted when the Labour Court upheld the punishment. In such a situation withholding of two increments with future effect will be more than adequate punishment for a low paid employee".

13. Nextly reliance was placed on VED PRAKASH GUPTA v. DELTON CABLES INDIA (P) Ltd. (1984 L.L.J. page 546) A judgement of the Supreme Court. Here also it was held that the Security Inspector at the Gate of the factory premises used abusive language. "The allegation cannot be a serious one and it is not known how the charge even if proved would result in any much less total loss of confidence of the Management in the Security Guard and the punishment awarded was shockingly disproportionate and no responsible employer would ever impose in like circumstances the punishment of dismissal and victimisation and unfair labour practice could well be inferred from the conduct of the management."

14. Here this Tribunal likes to proceed on the assumption that both the charges were proved. Even in that case and even if the past conduct is not satisfactory, (as detailed in para 5 of the counter filed by the management that her annual increment was withheld in 1967, 1982 for one year and one again in 1982). It is not understood by this Tribunal how such shockingly disproportionate punishment can be imposed on the workwoman in question. The demand was for Rs. 5.00 and Rs. 4.00 was paid and accepted but within two days Rs. 4.00 was returned even as per the statement of Nagarathnam the patient. Aya never said anything and when the witness Nagarathnam kept quite the amount was placed on her bed and she walked out coolly. The so-called dispute was with another Nurse but not with the patient Nagarathnam. She never said that she was abused by Aya in question etc. and this Tribunal has already extracted the statement of Nagarathnam at the time of domestic enquiry.

15. Now the only question is for this, proved misconduct, can the punishment imposed in the circumstances be treated as reasonable in the circumstance. After-all, she lost the job from 5-7-1983, already 7 years were over. For her proved misconduct, she was not only punished and but more than enough punished by losing salary of 84 months. Hence irrespective of all other things, this Tribunal feels and holds that the punishment of removal imposed is shockingly disproportionate for the proved misconduct of the workwoman in question.

16. Hence an Award is hereby passed ordering immediate reinstatement of the workwoman Smt. Sanapala Satyavathi, 2291 GI'90—13

into service with continuity of service and all attendant benefits but without any back wages.

Dictated to the Stenographer, transcribed by him, corrected by me and given under my hand and the seal of this Tribunal, this the 25th day of July, 1990.

APPENDIX OF EVIDENCE

Witnesses Examined
for the Management

Witnesses Examined
for the workwoman :

M.W1 U. Tatayyalu,

W.W1 Srimathi Sanapala
Satyavathi.

Documents marked for the Management :

- Ex.M1 Order dt. 21-6-82 issued to U. Tatayyalu, L.O. II by the Chief Medical Officer, Visakhapatnam Port Trust (Disciplinary Authority) appointing him as Enquiry Officer.
- Ex.M2 Charge Sheet dt. 11-6-82 issued to Smt. S. Satyavathi by the Chief Medical Officer, Visakhapatnam Port Trust (Disciplinary Authority).
- Ex.M3 Photostat copy of the explanation dt. 17-6-82 given by Smt. S. Satyavathi to the Medical Officer.
- Ex.M4 Enquiry notice dt. 12-10-82 issued to Smt. S. Satyavathi by the Enquiry Officer.
- Ex.M5 Enquiry Proceedings.
- Ex.M6 Enquiry Report.
- Ex.M7 True copy of the Representation dt. 17-6-82 made by S. Satyavathi to Chief Medical Officer, Visakhapatnam Port Trust in view of Charge Sheet issued to her.
- Ex.M8 Complaint dt. 2-6-82 given by K. Ganga Raju, Marine Fitter, C.M.E F.C Section to the Chief Medical Officer, Visakhapatnam Port Trust, Visakhapatnam against S. Satyavathi.
- Ex.M9 Complaint dt. 2-6-82 given by K. Naga Ratnam to the Chief Medical Officer, Visakhapatnam Port Trust against S. Satyavathi.
- Ex.M10 Whole enquiry file pertaining to S. Satyavathi.
- Ex.M11 Representation dt. 17-6-82 made by S. Satyavathi to the Chief Medical Officer, Visakhapatnam Port Trust, Visakhapatnam.
- Ex.M12 Showcause notice dt. 3-6-83 issued to S. Satyavathi by the Chief Medical Officer, Visakhapatnam Port Trust (Disciplinary Authority).
- Ex.M13 Representation of Smt. S. Satyavathi, Ayah against the Show cause notice.
- Ex.M14 Dismissal Order dt. 5-7-1983 issued to Smt. S. Satyavathi, Ayah by the Chief Medical Officer, Visakhapatnam Port Trust.
- Ex.M15 Appeal dt. 16-7-83 made by Smt. S. Satyavathi to the Chairman, Visakhapatnam Port Trust, Visakhapatnam.
- Ex.M16 Proceedings of the Appellate Authority under Visakhapatnam Port Employees Regulations 1968 dt. 6-9-83.

Documents marked for the Work-Woman :

NIL

Documents marked by Court :

- Ex.X-1 : Representation dt. 11-5-87 made by S. Satyavathi to the Chairman, Industrial Tribunal, Hyderabad.

K. TARANADH, Industrial Tribunal
[No. L-34012/1/86-D.IV(A)/IR(Misc.)]

का.सा. 2379.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अन्वय में केंद्रीय सरकार राजस्थान स्टेट माईन्स एण्ड मिनरल्स लि. उदयपुर के प्रबंधन के संबंध में उनके कर्मचारियों के बीच, अनुबंध में निहित औद्योगिक विवाद में औद्योगिक अधिकरण, जयपुर के पंचपट का प्रकाशित करती है, जो केंद्रीय सरकार को 16-8-90 का प्राप्त हुआ था।

S.O. 2379.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award of the Industrial Tribunal, Jaipur as shown in the annexure, in the industrial dispute between the employers in relation to the management of Rajasthan State Mines and Minerals Ltd., Udaipur and their workmen, which was received by the Central Government on 16-8-90.

अनुबंध

केंद्रीय औद्योगिक न्यायाधिकरण, जयपुर (कैम्प उदयपुर) पीठासीन अधिकारी श्री प्रताप सिंह यादव, आर एच जे एस सी.आई.टी. केस नं. 19/87

मध्य

राजस्थान स्टेट माईन्स एण्ड मिनरल्स कर्मचारी संघ, उदयपुर। एवं

राजस्थान स्टेट माईन्स एण्ड मिनरल्स लि., मीरा मागे, उदयपुर।

रेफरेंस अंतर्गत धारा 10(1)(घ) औ.वि. अधिनियम 1947।

उपस्थिति

श्रमिक प्रार्थी की ओर से : श्री जयन्ती लाल शाह अधिकृत प्रतिनिधि

अप्रार्थी नियोजक की ओर से : श्री बी.पी. अग्रवाल अधिकृत प्रतिनिधि

दिनांक अर्बाई : 24-4-90 (कैम्प उदयपुर)

अर्बाई

भारत सरकार के श्रम मंत्रालय के अवर सचिव ने उनकी आज्ञा संख्या एल-29012/2/85-डी-3 (बी) दिनांक 8-5-87 निम्न विवाद अंतर्गत धारा 10(1)(घ) औद्योगिक विवाद अधिनियम 1947 जिसे तत्पश्चात अधिनियम लिखा जायेगा, वास्ते अधिनिर्णयार्थ इस अधिकरण को भेजा।

“क्या मैसर्स राजस्थान स्टेट माईन्स एंड मिनरल्स लि. उदयपुर के प्रबंधक तंत्र की श्री सी.एस. कोठारी को उस तिथि से मैकेनिकल फोरमैन की पदोन्नति ने बंचित रखने की कार्यवाही न्यायोचित है, जबकि उसके पास अपेक्षित डिप्लोमा और अनुभव है, जिस तारीख से श्री भारतभूषण को चयन बोर्ड ने पदोन्नत चयनित किया है? यदि नहीं तो इस पद के लिए अर्हित व्यक्ति श्री सी.एस. कोठारी किस अनुतोष का हकदार है?”

2. मंच परितः निर्णय हेतु इस अधिकरण में पंजीकृत किया गया। उभय पक्षकारण को नोटिस जारी किये गये। प्रार्थी नियुक्त के अध्यक्ष श्री गणेश खेमरा ने स्टेटमेंट आफ क्लेम निम्न प्रकार से प्रस्तुत किया।

3. यह कि राजस्थान स्टेट माईन्स एण्ड मिनरल्स लिमिटेड कर्मचारी संघ उदयपुर जिसे आगे संघ के नाम से सम्बंधित किया जायेगा, एक रजिस्टर्ड संघ है और श्री चन्द्र सिंह कोठारी उनकी संघ का सदस्य है। आगे यह व्यक्त किया है कि श्री चन्द्र सिंह कोठारी की प्रथम नियुक्ति दिनांक 28-4-76 को मैकेनिक के पद पर विपक्षी संस्थान में हुई थी तब से वह लगातार काम करता आ रहा है। प्रार्थी श्रमिक को 1981 में वरिष्ठ मैकेनिक के पद पर पदोन्नत किया गया और यह भी जाहिर किया कि प्रार्थी श्रमिक मैकेनिक (वरिष्ठ) में वरिष्ठतम कर्मचारी है। यह कि श्री चन्द्र सिंह कोठारी ने मैकेनिकल फोरमैन के रिक्त पद पर विज्ञापन के आधार पर सेलेक्शन हेतु दिनांक 11-5-79 व 4-7-79 का प्रार्थनापत्र पेश किये। विपक्षी संस्थान द्वारा दिनांक 17-5-79 को उक्त पद के साक्षात्कार हेतु तिथि निर्धारित करके रोजगार नियोजन (मैन पावर कार्यालय) के माध्यम से नाम मांगे थे और उस समय यह साक्षात्कार स्थगित कर दिया गया था। तत्पश्चात विपक्षी ने पुनः दिनांक 5-10-79 को मैकेनिकल फोरमैन के पद हेतु साक्षात्कार की तिथि निर्धारित की। दिनांक 5-10-79 को साक्षात्कार लिया गया उसमें इस पद हेतु सर्वश्री चन्द्र सिंह कोठारी मनोहर सह व भारत भूषण उपस्थित आये। इस साक्षात्कार का निर्णय निकालने से पूर्व ही विपक्षी द्वारा दिनांक 13-1-80 को मैकेनिकल फोरमैन के उपरोक्त पांच रिक्त पदों हेतु विज्ञापन प्रसारित कर आवेदन पत्र मांगे थे और श्री चन्द्र सिंह कोठारी ने पुनः दिनांक 23-1-80 को उक्त विज्ञापन के आधार पर प्रार्थनापत्र प्रस्तुत किया परन्तु इस विज्ञापन के आधार पर श्री भारत भूषण ने प्रार्थनापत्र प्रस्तुत नहीं किया तत्पश्चात दिनांक 20-7-80 को मैकेनिकल फोरमैन के पद का साक्षात्कार लिया गया जिसने प्रार्थी श्रमिक श्री चन्द्र सिंह कोठारी उपस्थित हुआ विपक्षी नियोजक ने दिनांक 27-3-80 को श्री भारत भूषण को 5-10-79 के विज्ञापन के आधार पर चयन कर लिया था और इस प्रकार पक्षपात कर श्री भारत भूषण को पदोन्नत मैकेनिकल फोरमैन के पद पर नियुक्ति दे दी थी। श्री चन्द्र सिंह कोठारी ने इस प्रकार भारत भूषण को मैकेनिकल फोरमैन के पद पर पदोन्नति दिये जाने का विरोध किया और उसके पश्चात भी वह लगातार अनुरोध करता रहा कि भारत भूषण के स्थान पर उसकी पदोन्नति मैकेनिकल फोरमैन के पद की जावे। क्योंकि यह एकमात्र क्वालिफाइड प्रार्थी था। तत्पश्चात प्रार्थी श्रमिक ने यह विवाद महायक श्रम आयोग (केंद्रीय अजमेर) के समक्ष उठाया कि श्री चन्द्र सिंह कोठारी को भारत भूषण की पदोन्नति की तिथि से मैकेनिकल फोरमैन के पद पर पदोन्नत किया जाये।

विपक्षी नियोजक की ओर से श्री पी.एन. माथुर, उपप्रबंधक कार्मिक राजस्थान स्टेट माईन्स एण्ड मिनेरल्स लि., उदयपुर न उत्तर क्लेम निम्न प्रकार से प्रस्तुत किया।

विपक्षी की ओर से प्रार्थी श्रमिक की नियुक्ति दिनांक 28-4-76 को किया जाना स्वीकार किया और यह भी स्वीकार किया कि प्रार्थी श्रमिक को वरिष्ठ मैकेनिक के पद पर पदोन्नति 1981 में दी थी। परन्तु यह जाहिर किया कि यह सही नहीं है कि प्रार्थी श्रमिक का कार्य सदैव संतोषजनक रहा। आगे स्टेटमेंट आफ क्लेम के उत्तर में यह व्यक्त किया कि मैकेनिकल फोरमैन का पद खाली भर्ती से विज्ञापन देकर नियमानुसार भरा जाता है और यह पदोन्नत पद नहीं है। इस संबंध में यह भी व्यक्त किया कि मैकेनिकल फोरमैन के पद के लिये 19-6-79 को नियोजन सूचना जारी की गई व इस पद के लिये प्रार्थना पत्र आमंत्रित किये गये। प्रार्थी ने भी इस विज्ञापन के आधार पर दिनांक 4-7-79 को चयन के लिये प्रार्थना पत्र अन्य व्यक्तियों के साथ दिया था। आगे इस तथ्य को स्वीकार किया कि दिनांक 5-10-79 मैकेनिकल फोरमैन के पद के साक्षात्कार हेतु निर्धारित की गई थी एवं साक्षात्कार भी लिया गया। आगे व्यक्त किया कि श्री चन्द्र सिंह कोठारी प्रार्थी श्रमिक एवं श्री भारत भूषण विपक्षी के यहां पहले से ही मैकेनिक के पद पर नियुक्त थे और श्री मनोहर सिंह जिन्होंने कि बाहर से प्रार्थनापत्र पेश किया था। साक्षात्कार के लिये बुलाये गये। इस तथ्य को सही नहीं होना कहा कि दिनांक 13-1-80 को मैकेनिकल फोरमैन के पांच रिक्त पदों हेतु जो विज्ञापन प्रकाशित किया वह आवेदनपत्र मांगे गये थे, उसके कारण दिनांक 17-6-79 को मांगे गये प्रार्थना पत्र व उसी संदर्भ में दिनांक 5-1-79 को दिया गया साक्षात्कार समाप्त हो गया हो। दिनांक 13-1-80 का विज्ञापन पूर्व के विज्ञापन संबंधित नहीं था। आगे यह स्वीकार किया है कि दिनांक 13-1-80 को दिये गये विज्ञापन के साक्षात्कार हेतु 20-7-80 निर्धारित की गई थी। और श्री चन्द्र सिंह कोठारी इस साक्षात्कार में उपस्थित हुआ था। इसे भी स्वीकार किया कि भारत भूषण ने इस विज्ञापन के प्रकाशित होने के बाद कोई आवेदन पत्र मैकेनिकल फोरमैन के लिये नहीं दिया आगे यह भी स्वीकार किया कि श्री भारत भूषण को दिनांक 27-3-80 को नियुक्ति दी गई परन्तु यह दिनांक 17-6-79 को मांगे गये सूचना के आधार पर चयनित होने के कारण नियुक्ति एवं पदोन्नति नहीं। आगे यह भी लिखा है कि भारत भूषण ने जिस समय प्रार्थना पत्र दिया और जो प्रमाणपत्र पेश किये उससे यह आवश्यक योग्यता व अनुभव रखता था आगे इस का भी नकारा कि कोई अनुचित तरीका अपना कर पक्षपात करके अर्द्ध रूप से चयनित कर पदोन्नति या नियुक्ति की गई हो। इस गलत होना कहा कि प्रार्थी एक मात्र योग्यता एवं अनुभव प्राप्त व्यक्ति था, प्रार्थी की योग्यता में कोई गार नहीं था। प्रार्थी ने जो स्वयं को पदोन्नति के लिये आधार बनाया है वे सही नहीं है। प्रार्थना की कि प्रार्थी का वाद भय या निरस्त किया जाये।

प्रार्थी श्रमिक ने अपने वाद की संपुष्टि में स्वयं का शपथ पत्र प्रस्तुत किया जिसे न्यायाधिकरण द्वारा सत्यापित किया गया। और नियोजक के अधिवक्ता ने प्रार्थी श्रमिक से जिरह की।

विपक्षी नियोजक की ओर से श्री राजेन्द्र कुमार मेहता ने तत्सदी सहायता में स्वयं का शपथपत्र प्रस्तुत किया जिसे न्यायाधिकरण द्वारा सत्यापित किया गया और श्री जयन्ती लाल शाह ने गवाह जिरह की। विपक्षी नियोजक की ओर से श्री एम.एल. गोयल ने अपना शपथपत्र और प्रस्तुत किया जिसे भी न्यायाधिकरण द्वारा सत्यापित किया व प्रार्थी, श्रमिक के अधिकृत प्रतिनिधि ने श्री एम.एल. गोयल से प्रतिरोपन किया। व अपनी माध्य समाप्त की।

मैंने बहुत योग्य अधिकृत प्रतिनिधि प्रार्थी श्रमिक व योग्य अभिभावक प्रार्थी नियोजक सुनी है और पत्रावली का ध्यानपूर्वक अवलोकन किया है।

इस न्यायाधिकरण के समक्ष विचारणीय प्रश्न यह है कि आया श्री चन्द्र सिंह कोठारी को उस तिथि से मैकेनिकल फोरमैन के पद पर पदोन्नति नहीं देना जिस तिथि से श्री भारत भूषण को चयन बोर्ड द्वारा पदोन्नत किया गया है न्यायोचित था या नहीं? और वह अब क्या अनुतोष पाने का अधिकारी है।

उपरोक्त प्रश्न को निर्णित करने के लिये हमें उभय पक्ष की माध्य पर गौर करना है। जहां तक अहम तथ्यों के प्रमाणित होने का प्रश्न है साध्य के निम्न तथ्य प्रार्थी श्रमिक के संबंध में प्रमाणित होना पाये जाते हैं।

यह कि प्रार्थी श्रमिक श्री चन्द्र सिंह कोठारी दिनांक 28-4-76 को बतौर मैकेनिक विपक्षी संस्थान में नियोजित हुआ था। तत्पश्चात् दिनांक 15-2-81 को उसे सीनियर मैकेनिक के पद पर कोटेगरी नं. में पदोन्नत किया था। जॉ. कोटेगरी नं. 7 पुनः कोटेकराईज की जाकर नं. 8 बनाई गई तत्पश्चात् श्री चन्द्र सिंह कोठारी प्रार्थी श्रमिक ने मैकेनिकल फोरमैन के पद पर नियुक्त किये जाने के लिये दिनांक 4-7-79 को अपना प्रार्थना पत्र पेश किया और उसे 17-5-79 के लिये साक्षात्कार के लिये बुलाया गया परन्तु साक्षात्कार अन्य तारीख के लिये स्थगित कर दिया और उसे पुनः 5-10-79 को अन्य दो आगार्थियों के साथ बुलाया गया परन्तु इस साक्षात्कार के फलस्वरूप श्री भारत भूषण को चयनित किया गया और प्रार्थी श्रमिक को इस साक्षात्कार के आधार पर चयनित नहीं किया गया यह भी तथ्य निर्विवाद है कि दिनांक 13-1-80 को पांच पद मैकेनिकल फोरमैन के पदों के लिये विज्ञापन जारी किया जिसमें भी श्री चन्द्र सिंह कोठारी ने 13-1-80 को प्रार्थनापत्र दिया और उसमें उसका 20-7-80 का साक्षात्कार लिया गया और उसका चयन नहीं किया गया।

उपरोक्त प्रमाणित तथ्यों के आधार पर श्री जे.एन. शाह ने बहुत को कि प्रथम विज्ञापन विपक्षी कंपनी द्वारा मैकेनिकल फोरमैन का 4-7-79 को प्रकाशन किया गया था

और दिनांक 5-10-79 को इसके लिए साक्षात्कार लिया गया। प्रथम विज्ञापन के आधार पर साक्षात्कार लिया गया उसका परिणाम दिनांक 13-10-80 तक नहीं निकाला था और 13-1-80 को फिर दुबारा उसी मेकेनिकल फोरमैन के पद को भरे जाने के लिए 13-1-80 को दुबारा विज्ञापन दिया। इस प्रकार पहली कार्यवाही जो मेकेनिकल फोरमैन की पोस्ट पर नियुक्ति किये जाने की की गई वह दूसरा विज्ञापन दिये जाने की स्थिति में समाप्त हो गई। योग्य अधिकृत प्रतिनिधि प्रार्थी ने यह भी बहस की कि उन पहली वाली पोस्टों को मिलाकर एक पोस्ट और जोड़कर पांच पदों के लिये दूसरा विज्ञापन जारी किया गया। आगे यह बहस की कि दूसरी बार 13-1-80 को जो पोस्टें निकाली उनके लिए भी चन्द्र सिंह कोठारी ने न तो प्रार्थना पत्र दिया मगर श्री भारत भूषण ने उनके लिए कोई प्रार्थना पत्र नहीं दिया फिर दिनांक 27-3-80 को भारत भूषण को मेकेनिकल फोरमैन के पद के लिए चयनित किया जाना अनुचित एवं अवैध था क्योंकि न तो श्री भारतभूषण का दुबारा कोई साक्षात्कार हुआ न उसने प्रार्थना पत्र दिया। वैसे भी भारत भूषण के पास निर्धारित योग्यता नहीं थी। श्री भारतभूषण की योग्यता के संबंध में योग्य अधिकृत प्रतिनिधि ने आगे बहस की कि केन्द्रीय जल एवं शक्ति कमिशन के वाटरविंग का सर्टिफिकेट भारत भूषण के पास था जबकि श्री सी. एस. कोठारी के पास पोलिटेक्निक उदयपुर का मैकेनिकल इंजीनियरिंग का डिप्लोमा था जो मैकेनिकल फोरमैन के लिए पर्याप्त शैक्षणिक योग्यता थी।

श्री बी.पी. अग्रवाल ने बहस की कि पहले विज्ञापन में कितने पद निकाले गये थे इसका कोई वर्णन नहीं है दूसरे 20-7-80 को सलेक्शन में श्री सी. एस. कोठारी चयनित नहीं हुआ। जो श्री राजेन्द्र कुमार मेहता के बयान से जाहिर आया है। इन तथ्यों पर गवाह आर. के. मेहता से कोई जिरह नहीं की गई है। साक्षात्कार समिति ने श्री भारतभूषण के द्वारा एक पत्र मंत्रालय भारत सरकार को पेश किया जिसके आधार पर चयन समिति ने यह मान लिया था कि श्री भारतभूषण मैकेनिकल फोरमैन के लिए आवश्यक योग्यता रखता है। परन्तु श्री भारतभूषण ने जो अधिसूचना की प्रतिलिपि प्रस्तुत की थी वह एक धोखा था। और उसका प्रमाण पत्र जब फर्जी पाया गया तो श्री भारतभूषण को उसी दिन स पदावनत कर दिया गया जिस दिन से उसे पदोन्नत किया गया था इस प्रकार भारतभूषण को मेकेनिकल पद पर चयन किये जाने के आधार पर भी श्री सी. एस. कोठारी का मेकेनिकल फोरमैन बनने का अधिकार नहीं बनता है। यह पदोन्नति सलेक्शन के आधार पर थी आगे बहस की। विपक्षी कंपनी ने बाकायदा एक चयन समिति बनाई थी जिससे श्री सी. एस. कोठारी को साक्षात्कार में बुलाया था और उन्होंने श्री सी. एस. कोठारी को मैकेनिकल फोरमैन के योग्य नहीं पाया। योग्य अधिवक्ता श्री बी. पी. अग्रवाल ने बहस की कि श्री सी. एस. कोठारी ने चयन समिति के सदस्यों के विरुद्ध ऐसा कोई आरोप नहीं लगाया था कि

उनकी किसी प्रकार श्री सी. एस. कोठारी से व्यक्तिगत वैमनस्यता या द्वेषता थी। कमेटी ने जब श्री सी. एस. कोठारी को पदोन्नति के लिए गौर किया तो वह ही उसके चयन के लिए सक्षम जब था। केवल द्वेषता के आरोप लगाने में ही चयन शुद्ध व्यक्ति का चयन समाप्त नहीं हो जाता। श्री बी. पी. अग्रवाल ने यह भी बहस की कि पदोन्नति एक अधिकार स्वरूप क्लेम नहीं कहा जा सकती जब तक कि पदोन्नति का आधार केवल वरिष्ठता ही हो। यह मौजूदा केस में मैकेनिकल फोरमैन के पद के लिए चयनित किये जाने का प्रोसेस था न कि पदोन्नति का। ऐसी सूरत में श्री सी. एस. कोठारी महज वरिष्ठता के आधार पर भी चयन होने का क्लेम रखना नहीं कहा जा सकता। श्री अग्रवाल ने 1981 (2) आल इण्डिया जनरल (वो. 11), एस.बी. सिविल रिट पिटीशन नं. 161/1981 पर अवलम्ब किया। श्री अग्रवाल ने यह भी बहस की कि पदों के लिए दूसरा विज्ञापन जारी हो जाने की सूरत में चयन के लिए की गई पहली कार्यवाही स्वतः ही समाप्त नहीं हो जाती है। इस संबंध में श्री अग्रवाल ने माननीय इलाहाबाद उच्च न्यायालय की नजीर 1988(1) एस.एन.आर. पृष्ठ 701 पर अवलम्ब किया।

मैं योग्य अधिवक्ता अप्रार्थी नियोजक की बहस से सहमत हूं। अव्वल तो पहले विज्ञापन के आधार पर जो श्री भारत भूषण मेकेनिकल फोरमैन के पद पर चयन किया गया वह चयन ही सन् 1985 में पीछे चयन किये जाने की तिथि से ही समाप्त कर दिया गया और वह मेकेनिकल फोरमैन रहे ही नहीं तो ऐसी सूरत में श्री भारत भूषण को चयन किये जाने के कारण प्रार्थी श्रमिक को मेकेनिकल फोरमैन बनाये जाने का आधार नहीं रहता है। दूसरे श्री भारत भूषण के साथ प्रार्थी श्रमिक श्री चन्द्र सिंह कोठारी को भी इस साक्षात्कार के लिए चयन समिति ने बुलाया था। उसका साक्षात्कार लिया गया था। उसके फलस्वरूप उसका चयन नहीं किया गया। यहां यह कहना उपयुक्त होगा कि किसी कर्मचारी को पदोन्नति या चयनित किये जाने के लिए उसको गौर किये जाने का संवैधानिक अधिकार तो है मगर उसका चयन ही हो यानि कि किया ही जावे ऐसा अधिकार नहीं है। मूलभूत अधिकार इस संबंध में इस प्रकार हो सकता है।”

पहले कार्यरत कर्मकार को भारतीय संविधान में केवल पदोन्नति के लिए राईट आफ कम्प्लेनशन को ही गारन्टी दी गई है न कि सलेक्शन को। प्रार्थी श्रमिक की ओर से यह प्रमाणित नहीं कराया गया है कि चयन समिति के सदस्य व्यक्तिगत रूप से या सामूहिक तौर से प्रार्थी श्रमिक चन्द्र सिंह कोठारी से कोई वैमनस्यता रखते थे यदि किसी प्रकार नाराज थे। जब ऐसा कुछ साक्ष्य से प्रमाणित नहीं कराया गया है तो जो चयन समिति ने श्री चन्द्र सिंह कोठारी को मेकेनिकल फोरमैन के पद के लिए सुयोग्य न होना करार दिया उसे किसी प्रकार कानूनी तौर पर गलत नहीं कहा जा सकता। योग्य अधिकृत प्रतिनिधि का यह तर्क भी निस्सार है कि

दिनांक 13-1-80 को मेकेनिकल फॉरमेन के पद पर भर्ती के लिए दूसरा विज्ञापन जारी हो गया था उस सूरत में पूर्व में जारी किये गये विज्ञापन के तहत चयन की कार्यवाही सब रद्द हो गई थी। यदि कोई श्रमिक पहले विज्ञापन के तहत चयनित हो जाता है तो उसकी नियुक्ति दूसरे विज्ञापन के आने के पश्चात् की जा सकती है। ऐसा नहीं है कि दूसरे विज्ञापन के जारी करने से पहले साक्षात्कार की कार्यवाही स्वतः ही रद्द हो जाती हो। पहले किया हुआ चयन उसी हालात में रद्द होता है कि उसके चयन के विरुद्ध विशेष आदेश जारी कर उसका निरस्त कर दिया गया हो। उपरोक्त विवेचन के आधार पर श्री चन्द्र सिंह कोठारी को भारतभूषण के मेकेनिकल फॉरमेन के लिए चयनित किये जाने के आधार पर मेकेनिकल फॉरमेन बनाये जाने का आधार इस कारण से नहीं रहता है क्योंकि श्री भारत भूषण स्वयं का चयन विपक्षी द्वारा उसके प्रमाणपत्र के संबंध में जाली वस्तावेज पेश करने के कारण उसी तिथि से रद्द किया गया जिस तिथि से उसे चयनित किया गया था। इसलिए वह आधार नहीं रहता है। चयनित समिति द्वारा श्री चन्द्र सिंह कोठारी को साक्षात्कार के लिए दोनों ही बार बुलाया गया और उसे मेकेनिकल फॉरमेन के लिए योग्य नहीं पाया गया और वह साक्षात्कार की कार्यवाही किसी प्रकार व्यक्तिगत द्वेष या बय्यास (bias) के आधार पर कायम न रही हो ऐसा प्रमाणित नहीं हुआ है। ऐसी सूरत में श्री चन्द्र सिंह कोठारी को मेकेनिकल फॉरमेन के पद के लिए चयनित न किये जाने का कोई अनुचित कारण प्रमाणित नहीं होता है वैसे भी इस पद के लिए उसे पदोन्नत न किये जाने या चयन न किये जाने में भी उसके व्यक्तिगत अधिकार का हनन होना नहीं पाया जाता है। ऐसी सूरत में वह कोई अनुतोष पाने का अधिकारी नहीं है। अतः निम्न प्रकार से निम्न आक्षेप का पंचाट पारित किया जाता है।

यह कि मै. राजस्थान स्टेट मार्टिन्स एण्ड मिन्टर्ल्स लि., उदयपुर के प्रबन्धतन्त्र द्वारा श्री चन्द्र सिंह कोठारी को उस तिथि से मेकेनिकल फॉरमेन न बनाया जाना जिस तिथि से श्री भारत भूषण को चयन किया गया था, अनुचित एवं अवैध नहीं था। श्री चन्द्र सिंह कोठारी रैंफ रैंस के संबंध में कोई अनुतोष पाने का हकदार नहीं है। उक्त आक्षेप का पंचाट पारित किया जाता जिसे वास्ते प्रकाशनार्थ केन्द्र सरकार को अन्तर्गत धारा 17(1) भेजा जावे।

प्रताप सिंह यादव, न्यायाधीश

[सं. एन०-29012/2/85-डो० 3 बी०]

डा. क. शर्मा, डैस्क अधिकारी

नई दिल्ली, 17 अगस्त, 1990

का.आ. 2380:—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार भारतीय स्टेट बैंक, झरिया के प्रबन्धतन्त्र के संबंध नियोजकों और उनके कर्मचारों के बीच, अनुबन्ध में निम्नलिखित औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण नं. 2 धनबाद के पंचाट को प्रकाशित करती है, जो केन्द्रीय सरकार को 16-8-90 को प्राप्त हुआ था।

New Delhi, the 17th August, 1990

S.O. 2380—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award of the Central Government Industrial Tribunal No. 2, Dhanbad as shown in the Annexure in the industrial dispute between the employers in relation to the management of State Bank of India, Jharia and their workmen, which was received by the Central Government on 16-8-1990.

ANNEXURE

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL (NO. 2) AT DHANBAD

PRESENT :

Shri I. N. Sinha, Presiding Officer.

Reference No 28 of 1988

In the matter of an industrial dispute under Section 10(1)(d) of the I. D. Act, 1947

PARTIES :

Employers in relation to the management of State Bank of India, Jharia and their workmen.

APPEARANCES :

ate and Shri S. P. Rakshit, Advocate.

On behalf of the workmen—Shri S. N. Goswami, Advoca-

On behalf of the employers—Shri B. Joshi, Advocate.

STATE : Bihar

INDUSTRY : Banking

Dhanbad, the 6th August, 1990

AWARD

The Government of India, Ministry of Labour in exercise of the powers conferred on them under Section 10(1)(d) of the I. D. Act, 1947 had referred the following dispute to the then Central Government Industrial Tribunal No. 3, Dhanbad vide their Order No. L-12012/16/84-D.II (A), dated, the 20th March, 1985. But subsequently vide Ministry's Order No. S-11025/7/85-D.IV (B) dated the 31st December, 1987 the said reference was transferred to this Tribunal from the then Central Government Industrial Tribunal No. 3, Dhanbad

SCHEDULE

"Whether the action of the management of State Bank of India, Jharia Branch in relation to their Jharia Branch in termination the service of Shri Rajender Prasad, Messenger-cum-Waterman from 18-11-82 is justified? If not, to what relief the workman concerned entitled?"

The case of the concerned workman Shri Rajender Prasad is that he was appointed as Messenger-cum-Waterman against permanent vacancy on 7-5-73 in State Bank of India, Jharia branch. He used to fetch drinking water in the office for the use of the staff of the Bank and he also used to serve drinking water to the employees on demand. Besides that he was also working as Messenger for which he used to get T.A. He was stopped from duty during the time of emergency without assigning any reason although he had acquired the status of a permanent workman during that period. The concerned workman represented before the management against his illegal and arbitrary stoppage of work. Subsequently the management appreciated the legal position and allowed him to resume duty with effect from 18-2-77. Since then the concerned workman regularly and continuously worked as Messenger-cum-Waterman in the Jharia branch of SBI. On 18-11-82 the management terminated the services of the concerned workman without assigning any reason and without complying with the mandatory provision of Section 25-F of the I. D. Act. During the period from 18-2-77 to 18-11-82 the concerned workman had rendered continuous service and had put in more than 240 days of attendance in each calendar year before termination

of his service. The services of the concerned workman was essential and there was a permanent vacancy. However, the management was paying him wage @ Rs. 6 per day instead of the minimum guaranteed wages of the Bank employee as messenger-cum-waterman. The management had made some paper arrangement only to deprive the concerned workman of his legitimate claim by paying him on daily wages of Rs. 6 per day out of the contingent amount.

The concerned workman had filed a petition under Section 33-C(2) of the I. D. Act on wrong advice. The said petition under Section 33-C(2) of the I. D. Act was numbered as L.C. Appn. No. 64/79 before the Central Government Labour Court No. 3, at Dhanbad. The said petition was disposed off vide order dated 4-6-82 dismissing the petition with an advice to raise an industrial dispute under Section 10 of the I. D. Act. Thereafter the concerned workman has raised an industrial dispute under Section 2(A) of the I. D. Act before the ALC(C), Dhanbad for conciliation but the same ended in failure. During the conciliation proceedings the management's defence was that there was no employer-employee relationship and that section 25-F of the I. D. Act was not attracted. The Government of India at the first instance refused to refer the dispute for adjudication but subsequently referred the dispute after appreciating the legal position as enunciated by their Lordship of the Hon'ble Supreme Court. The action of the management in terminating the services of the concerned workman was illegal, arbitrary, unjustified and against the principles of natural justice. The termination of the services of the concerned workman with effect from 18-11-82 without following the mandatory provision of Section 25-F of the I. D. Act was void ab initio and the concerned workman is legally deemed to be continuing in service. On the above facts it is prayed that it be held that the action of the management of State Bank of India, Jharia Branch in terminating the services of the concerned workman from 18-11-82 is not justified and that he should be deemed to be continuing in service and be paid the wages of Messenger-cum-Waterman with effect from 18-11-82 and that the management should be directed to allow him to do his duties.

The case of the management is that there was no employer-employee relationship between the State Bank and the concerned workman. The concerned workman had worked for sometime in May, 1973 but it was for a limited period.

At Jharia the supply of water is scarce, inadequate and uncertain. To overcome the aforesaid problem of insufficient supply of water the management of Jharia branch of SBI used to arrange to obtain supply of water from the concerned workman and he was to be paid @ Rs. 6 per day. The concerned workman was supplying the water which was in the nature of a contract. The engagement of the concerned workman for the supply of water was casual and he was not required to fetch water every day. His services were required only on the days on which the supply of water was inadequate. The engagement of the concerned workman was intermittent between the years 1973 to 1982. The concerned workman was never appointed in the services of the management for any period or for any term on any post as his engagement was intermittent. His name was not entered in the Attendance Register at any time. As the concerned workman was never a workman under the management there was no question of terminating his services with effect from 18-11-82. Although the concerned workman has described himself as Messenger-cum-Waterman but in fact he had never been entrusted with the job of Messenger. He also did not work as Waterman whose job is to serve water to the staff and officers working in the Bank premises during working hours. In the case filed by the concerned workman under Section 33-C(2) of the I. D. Act the Labour Court decided the case against the concerned workman holding that he was not a workman engaged as Waterman. The decision in the application under Section 33-C(2) of the I. D. Act will stand as a constructive res judicata in the present reference as the right of the concerned workman has already been adjudicated and he cannot claim any relief as he has no right over any post. The concerned workman was not a workman and hence he is not entitled to the benefits of the provision under Section 25-F of the I. D. Act. Section 25-F of the I. D. Act protects the interest of workman who are in continuous service. The concerned workman had never

completed attendance of 240 days in a calendar year. On the above facts it is submitted on behalf of the management that the concerned workman is not entitled to any relief.

The points for decision are :

- (1) Whether the reference is hit by the principles of constructive res judicata ?
- (2) Whether there was employer-employee relationship between the management and the concerned workman ?
- (3) Whether the termination of the services of the concerned workman from 18-11-82 was justified ?
- (4) To what relief the concerned workman is entitled ?

The management examined two witnesses and the concerned workman examined himself. The documents of the management have been marked Ext. M-1 to M-7 and the documents of the concerned workman are marked Ext. W-1 to W-5.

Point No. 1

The scope of the provision of Section 33-C(2) and Section 10 of the I. D. Act are different. Section 33-C(2) takes within its purview the case of a workman who claims with the benefit to which they are entitled should be compute in terms of money. Even though the right to the benefit on which their claim is based is dispute by their employers. The legislature has given an individual workman speedy remedy to enforce his individual right under Section 33-C(2) of the I. D. Act without the necessity of taking recourse to the provision of Section 10(1) of the Act or without having to wait for the union to espouse the cause of the individual. For construing the provision of Section 33-C(2) it has to be seen that the construction of the section should not be so broad as to bring within its scope any such case as would normally fall under Section 10(1) of the I. D. Act. From Ext. M-7 which is the photo copy of the order passed in L.C. Appn. No. 64/79 it will appear from the said decision that the learned Labour Court has decided the application on the point that the applicant had no existing right to claim the amount under Section 33-C(2) of the I. D. Act. It was observed by the learned Labour Court that as the applicant claimed that he was in fact appointed as Messenger-cum-Waterman and performed his duties as such and so he can raise an industrial dispute under Section 10 of the I. D. Act for getting adjudication on that issue and unless the status of the applicant is adjudicated no claim can be made under Section 33-C(2) of the I. D. Act. Any other observation made by the Labour Court that the case of the concerned workman that he was not appointed as Messenger-cum-Waterman could not be the subject matter of Section 33-C(2) of the I. D. Act and as such the same cannot be taken as a constructive res judicata against the concerned workman in claiming that his termination of the services by the management was not justified. In the above view of the matter I hold that the reference is not hit by the principles of constructive res judicata.

Point No. 2

The case of the management is that there was no employer-employee relationship between the management and the concerned workman although it is admitted by the management that the concerned workman had intermittently worked as Waterman and was paid Rs. 6 per day as wages for the same. The case of the concerned workman, on the other hand, is that he had not worked only as Waterman but was also working as Messenger but the management was not maintaining any records of his engagement as Messenger-cum-waterman and was also not paid the wages of a Messenger. MW-1 Gautam Chandra Ghosh is working as Field Officer in SBI Jharia since February 1987. He has stated that whenever there is deficiency in the supply of water in the Jharia branch of the Bank the concerned workman used to be engaged to supply water on daily wages of Rs. 6 per day and that he also used to supply water for drinking to the staff of the Bank when demanded. He has stated that the concerned workman was not regularly engaged on all the

days but was engaged only on the days when there was inadequate supply of water in the tap and used to be paid by cash voucher of the said amount used to be entered in the petty cash register. Thus the fact of the engagement of the concerned workman as Waterman on daily wages of Rs. 6 per day is admitted by him. MW-1 has proved the attendance Register of Jharia Branch Bank for the year 1982 which has been marked Ext. M-5. On perusal of Ext. M-5 which is from 29-10-82 to 1-12-82 it appears that there is no mention of the name of the concerned workman in the Attendance Register. According to the management had the concerned workman been working in the Bank his attendance must have been shown in the month of November, 1982 as he had worked in the month of November, 1982 upto 17-11-82. MW-2 was posted as Branch Manager of Jharia Branch of SBI from March, 1977 to December, 1977. In cross-examination he has clearly stated that Attendance was maintained in respect of the permanent employees of the Bank only. Admittedly the concerned workman was not treated as the permanent employee of the Bank and naturally therefore we cannot expect the mention of his name in the Attendance Register Ext. M-5. Thus the non-mention of the name of the concerned workman in the Attendance Register cannot be used to show that the concerned workman was not a workman of Jharia branch of SBI.

MW-2 who was the Branch Manager in Jharia Branch Jharia office of SBI has stated that the concerned workman used to provide water in pitcher in the Bank whenever there was no supply of tap water in the Jharia branch of the Bank and that whenever he was engaged for bringing water, he was paid @ Rs. 6 per day through petty cash voucher. It appears from the cross-examination of MW-2 that the concerned workman was seen by him as Water Boy when he had joined in the Jharia branch of the Bank in March, 1977 and this shows that the concerned workman was engaged since before the joining of MW-2 at the Jharia branch. He has denied that the work of Messenger was being taken by the concerned workman besides his work as Water boy. MW-2 has admitted his signature on Ext. W-5 as branch Manager. This Ext. W-5 was granted by MW-2 in which he had mentioned that the concerned workman had worked for more than 240 days in 12 calendar months. Ext. W-5 is thus admitted to have been granted by the Branch Manager, MW-2. On perusal of Ext. W-5 it appears that it was issued on 26-11-77 by Shri M. Ram Branch Manager, MW-2 and it is addressed to the Personnel Manager, State Bank of India, Personnel department, Local Head Office, Patna. This letter was written by MW-2 with reference to the head office letter dated 1-11-77 and MW-2 had enclosed a list containing the name of temporary employee of the branch who had worked more than 240 days in 12 calendar months and was working against leave vacancy as and when occasion arose. At the foot of the said letter the Branch Manager MW-2 had given the name of the concerned workman Shri Rajender Prasad as a temporary employee. It will thus appear from Ext. W-5 that MW-2 the Branch Manager had written this official letter to the Personnel Manager wherein he had given the name of the concerned workman as temporary employee of the branch who had worked for more than 240 days in 12 calendar months and was working against leave vacancy as and when occasion arose. There is absolutely no reason to show that this official letter Ext. W-5 was given by the Branch Manager MW-2 through inadvertence. This was a correspondence in course of regular business and there could be no reason as to why MW-2 would inadvertently write to the Personnel Manager of the Head Office that the concerned workman had worked for more than 240 days in 12 calendar months and was working against leave vacancy. In my opinion the evidence of MW-2 that he had written Ext. W-5 through inadvertence has no basis and some documents filed in the case will show that there was no inadvertence on the part of the Branch Manager and that the concerned workman in fact had worked for more than 240 days in 12 calendar months.

MW-2 has stated that Ext. M-6 is the Original Bonus Sheet from 1976 to 1981 in respect of the concerned workman bearing the signature of Shri B. Mistry, Branch Manager, Jharia branch of SBI. He has stated in his cross-examination that if the headquarters order bonus may be given to the Water boy. He has also stated that the bonus is paid on the basis of the attendance of a workman. He has admitted that the concerned workman was given bonus from 1976 to 1981 vide Ext. M-6. On perusal of Ext. M-6 which is an

extract of the bonus paid to the concerned workman for the years 1976 to 1981. On further perusal of this document it will appear that in the year 1976 the total salary drawn by the concerned workman was Rs. 260, in 1977 it was Rs. 1352, in 1978 it was Rs. 1848, in 1979 it was Rs. 1776, in 1980 it was Rs. 1728 and in 1981 it was Rs. 1656. Accordingly the amount of bonus paid to the concerned workman @ 8.33% is shown to have been paid to the concerned workman. It is the admitted case of the parties that the concerned workman was paid @ Rs. 6 per day. If we calculate the amount paid to the concerned workman during each year from 1977 to 1981 it will appear that in each year the concerned workman had worked for more than 240 days in a year. If we divide the total amount of salary drawn during the years from 1977 to 1981 with six (Rupees six his per days wages), it will appear that in each year the concerned workman had worked for more than 240 days. On perusal of the total salary drawn by the concerned workman it will appear that from 1977 to 1981 the lowest amount paid in the year was in 1977 and if we divide the total salary of Rs. 1352 for the year 1977 by six the total attendance in the year 1977 will come to 276 days. In the years 1978 to 1981 the total salary drawn in each year by the concerned workman was more than Rs. 1352 and as such the Attendance of the concerned workman was more than 276 days in each of the years from 1978 to 1981. The fact that the concerned workman had worked for more than 240 days from the years 1977 to 1981 is fully established from Ext. M-6. It follows therefore that the contents of the letter Ext. W-5 written by the Branch Manager, MW-2 was correct and there was no inadvertence in the said statement made in it.

WW-1 Shri Rajender Prasad is the concerned workman. He has stated that the Bank did not mark his attendance in the Attendance Register of the employees of the Bank. He has stated that he continued working till 18-11-82 and thereafter the management stopped his work. WW-1 has stated that he was working as Messenger from 7-5-73 and as Messenger he was getting Rs. 116 per month. Exts. W-1 dated 5-7-73, W-1/1 dated 26-10-73, Ext. W-1/2 dated 2-11-73 show that the concerned workman was temporarily appointed as Messenger for a period of 7 days or less. Ext. W-2 dated 8-6-74 is a certificate granted by Shri U. P. Tewary, Branch Manager of Jharia Branch of SBI to the concerned workman which shows that the concerned workman was appointed as a temporary waterman from time to time as and when required with effect from 14-12-73 to 6-5-74 and his total attendance was approximately 40 days. These exhibits are of the period which is not very relevant for the decision in this case. It is admitted by the concerned workman in his W.S. that he was originally appointed on 7-5-73 as Messenger-cum-Waterman and that he was stopped from duty during the time of emergency without assigning any reason and that after he had made representation to the management he was allowed to join on 18-2-77. There is no evidence to show that the concerned workman had already completed 240 days in a 12 calendar months prior to 18-2-77. As such the present case is confined after 18-2-77 to 18-11-82 when his work was stopped. WW-1 has stated that he used to get conveyance allowance when he used to go out for Bank's work in another office. Exts. W-4 to W-4/3 for the years 1977, Ext. W-4/4 dated 12-2-81, Ext. W-4/5 dated 16-3-80 and Ext. W-4/6 dated 24-2-78 show that the concerned workman was paid conveyance charges for going to different office in respect of the work of the Bank and he had been paid conveyance allowance for the same. Ext. M-1 to M-3 are the photo copies of relevant entries from petty cash register for the years 1977, 1978, 1979 which will show payment on different dates to the concerned workman for conveyance allowance and for purchasing K. Oil etc. WW-1 has further stated that the letters given to him for delivery outside the Bank was entered in the Peon Book which would also show that he had worked on that day as Messenger. The management has not produced the Peon Book to falsify WW-1 that he had not carried and delivered the letters sent through Peon Book. Even MW-2 had to admit in his cross-examination that the concerned person might have done some duty at the instance of the clerks of the Bank. It appears that MW-2 being aware of the fact that the concerned workman was being taken work of Messenger, he failed it difficult to completely deny the fact that the concerned workman did his duties as Messenger. Taking all these evidence into consideration I hold that the concerned workman was working

not only as Waterman but he was also working as Messenger continuously and regularly for more than 240 days in each year from 1977 to 1981. I hold, therefore, that there was relationship of employer and employee between the management and the concerned workman.

Point Nos. 3 and 4

I have already discussed above and have come to a conclusion that the concerned workman had worked in the Jharia Branch of SBI continuously and regularly from 1977 to 1981 having attendance for more than 240 days in each of those years. In accordance with Section 25-N of I.D. Act no workman employed in any industrial establishment who has been in continuous service for not less than one year under an employer shall be retrenched by the employer until the workman has been given 3 months notice in writing indicating the reasons for retrenchment and the period of notice has expired, or the workman has been paid in lieu of such notice the wages for the period of such notice provided that no such notice shall be necessary if the retrenchment is under agreement which specifies a date for termination of service. It further provides that the management has to pay at the time of retrenchment compensation which shall be equivalent to 15 days average pay for every completed year of continuous service of any part thereof in excess of 6 months and notice is given in the prescribed manner and is served on the appropriate Government and the permission of such Government or authorities is obtained for retrenchment of a workman. Section 2(oo) of the I. D. Act defines retrenchment which means the termination by the employer of the services of a workman for any reason whatsoever, otherwise than as a punishment inflicted by way of disciplinary action. Section 2(oo) provides some exceptions where the termination may not come under the definition of retrenchment. So far the case of the concerned workman is concerned it is not covered under 4 exceptions of Section 2(oo) of the I. D. Act. In this case I would like to refer to the celebrated case of State Bank of India-versus-N. Sundramony reported in 1976 LIC-1 page 769. Their Lordships were dealing with Section 2(oo) and 25-F of the I. D. Act in the said decision. Their Lordship held "termination for any reason whatsoever in Section 2(oo) are the key words whatever the reason every termination spells retrenchment. So the sole question is whether the employees services been terminated. A termination takes place where a term expires either by the active step of the Master or the running out of the stipulated term. The termination embraces not merely the act of termination by the employer, but the fact of termination howsoever produced." I would further refer to a decision reported in 1984 Lab. I.C. page 1651 (Desraj Sood vs Presiding Officer, Industrial Tribunal and another) in which their Lordship held that once the termination does not fall in any one of the excepted category enumerated in Section 2(oo) the termination of services even if be according to automatic discharge from service under an agreement or by efflux of time or by the default of the workman it would be retrenchment attracting the compliance of Section 25-F of the I. D. Act. Their Lordship further held that since the termination of services amounting to retrenchment without compliance with the provision of Section 25-F renders termination void abinitio and inoperative it cannot be said that in such a case the employee would not be entitled to reinstatement and back wages. There is no question of granting reinstatement because there is no cessation of service. A mere declaration follow that the employee continue to be in service with all consequential benefits. In a case of reinstatement the question of weighing the facts and circumstances of the case arises for grant of compensation or back wages. The said question does not cover the case of an ineffective and inoperative order of retrenchment as there is neither termination nor cessation of service but it needs a bare declaration. Their Lordship said that in that view of the matter the workman shall be entitled to continue in service with all benefits from the date he was intimated that he had lost lien on his appointment. Taking the above principle in view it is clear that the non-compliance of the provision of Section 25-F of the I. D. Act while terminating the services of the concerned workman will be no-cessation of service and he will be deemed to continue in service. However, to be more specific the management is directed to allow the concerned workman to continue in his service with effect from 28-11-82 as there was no cessation of service of the concerned workman and

the concerned workman will also be entitled to all the benefits which he could have derived if he would not have been stopped from service.

In the result, I hold that the action of the management of State Bank of India, Jharia Branch in relation to their Jharia Branch in terminating the services of the concerned workman Shri Rajender Prasad, Messenger-cum-Waterman from 18-11-82 is not justified and the concerned workman will be deemed to continue in its service from 18-11-82. The management is directed to allow the concerned workman to join his duties. The management is further directed to pay all the arrears of salary and other benefit of a Messenger-cum-Waterman to the concerned workman from 18-11-82 within 2 months from the date of publication of the Award.

This is my Award.

I. N. SINHA, Presiding Officer

[No. L-12012/16/84-D.II(A)]

का.प्रा. 2381 :—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार स्टेट बैंक आफ हैदराबाद के प्रबन्धतंत्र के संबद्ध नियोजकों और उनके कर्मचारों के बीच, अनुबन्ध में निर्विष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण नं. 1 बम्बई के पंचपट को प्रकाशित करती है जो केन्द्रीय सरकार को 16-8-90 को प्राप्त हुआ था।

S.O. 2381.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award of the Central Government Industrial Tribunal No. 1, Bombay as shown in the Annexure in the industrial dispute between the employers in relation to the management of State Bank of Hyderabad and their workmen, which was received by the Central Government on 16-8-1990.

ANNEXURE

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL NO. 1 AT BOMBAY

(Presiding Officer, Justice S. N. Khatri)

Reference No. CGIT-32 of 1989

PARTIES :

Employers in relation to the State Bank of Hyderabad.

AND

Their workmen.

APPEARANCES :

For the Management—Shri I. K. Ramrakhiani, Advocate.

For the workman—Shri M. Abhyankar, General Secretary, State Bank of Hyderabad Workers Organisation.

INDUSTRY : Banking

STATE : Maharashtra

Bombay, the 8th day of August, 1990

AWARD

The Central Government has referred the following industrial dispute to this Tribunal for adjudication under section 10 of the Industrial Disputes Act, 1947.

"Whether the action of the management of State Bank of Hyderabad in relation to its Billoli Branch in transferring Shri S. N. Zanwar, Typist-Clerk to Akola Branch is justified more so keeping in view Vth Schedule pertaining to unfair labour practice of Industrial Disputes Act, 1947? If not to what relief, the workman is entitled to?"

2. After part of the evidence was recorded, the parties have amicably settled the dispute. The Management have agreed to transfer the workman to their Nandgaon Branch in Nanded District before 31st August, 1990. In view of this undertaking, the workman and the union do not desire to proceed with the matter. They and the Management have filed a settlement to this effect. I am satisfied that the settlement is in the interests of the workman and industrial peace.

3. In view of the aforesaid, it is not necessary to proceed with the reference. It is disposed of without any directions. Parties to bear costs as incurred.

S. N. KHATRI, Presiding Officer
[No. L-12012/90/89-IR (B-III)]

नई दिल्ली, 20 अगस्त, 1990

का.आ. 2382:—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार स्टेट बैंक आफ इण्डिया के प्रबन्धतंत्र के संबद्ध नियोजकों और उनके कर्मकारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण व श्रम न्यायालय, जबलपुर के पंचपट को प्रकाशित करती है, जो केन्द्रीय सरकार को 17-8-90 को प्राप्त हुआ था।

New Delhi, the 20th August, 1990

S.O. 2382.—In pursuance of section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award of the Central Government Industrial Tribunal-cum-Labour Court, Jabalpur as shown in the Annexure in the industrial dispute between the employers in relation to the management of State Bank of India and their workmen, which was received by the Central Government on the 17-8-90.

ANNEXURE

BEFORE SHRI V. N. SHUKLA, PRESIDING OFFICER,
CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-
CUM-LABOUR COURT, JABALPUR (M.P.)

Case No. CGIT/LC(R)(44)/1988

PARTIES :

Employer in relation to the management of State Bank of India, Region III, Regional Officer, Jabalpur and their workman Shri Lakshman Singh, C/o Sh. Soneial, Radio Singer, Near Maharana Pratap School, Sheba Nagar, Damoh (M.P.).

APPEARANCES :

For Workman—None.

For management—Shri Awashthy, Advocate.

INDUSTRY : Banking DISTRICT : Jabalpur (M.P.).

AWARD

Jabalpur, the 6th August, 1990

This is a reference made by the Central Government, Ministry of Labour, vide its Notification No. L-12012/831/87-D.II (A) dated 5th May, 1988, for adjudication of the following dispute—

"Whether the action of the management of State Bank of India in dismissing from service Shri Lakshman Singh is justified? If not, to what relief is the workman entitled?"

2. In this case the management filed its statement of claim. Workman concerned has not filed his statement of claim despite repeated adjournments granted to him and he remained absent on a number of hearings. Whenever the workman appeared before this Court he sought time for being of statement of claim which was granted to him. On 4-5-90 he appeared and again sought adjournment for the same 2291 GI/90—14

purpose. Thereafter he remained absent i.e. on 5-7-90 and 30-7-90. Thus it could be presumed that he does not want to proceed with the case.

3. Management not only filed its statement of claim but also a number of documents as per list.

4 The case of the management in brief is that the workman concerned was Messenger posted at the State Bank of India, Branch at Tikamgarh. He committed theft of certain vouchers on 3-9-85. Therefore, he was charge-sheeted on certain charges on 24-1-1986. Enquiry was held. The Disciplinary Authority after perusing the entire proceedings of enquiry and findings of Enquiry Officer imposed the punishment of dismissal vide order dated 12-8-1987.

5 The workman has come forward to deny the charges made against him. As already stated above he did not even file his statement of claim. Therefore it appears that he is not interested in prosecuting the case. Though the management has submitted a number of documents but they remained unproved.

6 In the circumstances of the case I record a No dispute Award. No order as to costs.

V. N. SHUKLA, Presiding Officer

[No. L-12012/831/87-D II(A)]

S. C. SHARMA, Desk Officer

नई दिल्ली, 17 अगस्त, 1990

का.आ. 2383:—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार, मैसर्स भारत कोकिंग कोलियरी की नार्थ तिसरा कोलियरी के प्रबंधतंत्र से सम्बंधित नियोजकों और उनके कर्मकारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण, (खंड 2), धनबाद के पंचपट को प्रकाशित करती है, जो केन्द्रीय सरकार को 9-8-90 को प्राप्त हुआ था।

New Delhi, the 17th August, 1990

S.O. 2383.—In pursuance of section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award of the Central Government Industrial Tribunal (No. 2), Dhanbad as shown in the Annexure in the industrial dispute between the employers in relation to the management of North Tisra Colliery of M/s. Bharat Coking Coal Limited and their workmen, which was received by the Central Government on the 9-8-90.

ANNEXURE

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL
TRIBUNAL (NO. 2) AT DHANBAD

Reference No. 108 of 1985

In the matter of an industrial dispute under Section 10(1)(d) of the I.D. Act, 1947

PARTIES :

Employers in relation to the management of North Tisra Colliery of M/s. Bharat Coking Coal Limited and their workmen.

APPEARANCES :

On behalf of the workmen—Shri S. Bose, Secretary, R.C.M.S.

On behalf of the employers—Shri R. S. Murthy, Advocate.

STATE : Bihar.

INDUSTRY : Coal.

Dhanbad, the 3rd August, 1990

AWARD

The Govt. of India, Ministry of Labour in exercise of the powers conferred on them under Section 10(1)(d) of the I.D. Act, 1947 has referred the following dispute to this Tribunal for adjudication vide their Order No. L-20012(86)/85D.III(A), dated, the 29th July, 1985.

SCHEDULE

"Whether the action of the management of North Tisra Colliery of Messrs. Bharat Coking Coal Limited, Dhanbad in dismissing from service Shri Kutra Bouri, Permanent Surface Trammer, with effect from 27-5-1984, is justified? If not, to what relief the workman concerned is entitled?"

In this case both the parties appeared but did not file their respective W. S. documents etc. Subsequently both the parties appeared and filed a petition of compromise. I heard both the parties on the said petition of compromise and I do find that the terms of compromise are fair, proper and beneficial to both the parties. Accordingly I accept the said petition of compromise and pass an Award in terms of the petition of compromise which forms part of the Award as annexure.

I. N. SINHA, Presiding Officer

[No. L-20012(86)/85.DIII(A)/IR(Coal-I)]

ANNEXURE

BEFORE THE PRESIDING OFFICER CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL NO. II AT

DHANBAD

Reference No. 108/85

Employer in relation to North Tisra Colliery

AND

Their Workman

PETITION OF COMPROMISE

Humble petition on behalf of the parties most respectfully sheweth that :

- (1) The Central Government by notification No. L-20012(86)/85-D-III A, dated 24th July, 85 has been pleased to refer the present dispute for adjudication on the issue contained in the schedule of reference which are reproduced below :—

SCHEDULE

"Whether the action of the management of North Tisra Colliery of M/s. BCCL, Dhanbad in dismissing from service Shri Kutra Bouri, permanent surface trammer w.e.f. 27-5-84 is justified? If not, to what relief the workmen concerned is entitled;"

- (2) That the above dispute is amicably settled between the parties on the following terms.

TERMS OF SETTLEMENT

- (a) That the concerned workman Shri Kutra Bouri will be allowed to resume his duty within 30 days from the date of settlement. The concerned workman must report for his duty within 30 days from the date of this settlement.
- (b) That the concerned workman will not claim any back wages or benefits whatsoever from the date of his termination of service till the date of his resumption of duty. His continuity of service will be maintained for the purpose of gratuity etc.
- (c) That the concerned workman will be allowed to resume his duties after verifying the genuinity of

the workman by the local management. If he fails to report for his duty within 30 days with the documents of identification etc. he will not be allowed to resume his duty in future and he forfeits his claim whatsoever.

- (3) The management has every right to place Shri Kutra Bouri in any of the collieries of Area No. X as decided by the management.

- (4) That in view of the above settlement there remains nothing to be adjudicated.

Under the facts and circumstances stated above the Hon'ble Tribunal will be graciously pleased to accept the settlement as fair and proper and to be placed to pass the award in terms of the settlement.

FOR THE WORKMEN
(G. D. PANDE)
Vice President,

Rashtriya Colliery Mazdoor Sangh
(LALAN CHOUBEY)
President

Rashtriya Colliery Mazdoor Sangh
North Tisra Colliery Branch
(KUTRA BOURI)
Workmen Concerned

FOR THE EMPLOYER
(S. K. SEN)
GENERAL MANAGER
Lodna Area
(V. R. JOSHI)

DY. CHIEF PERSONNEL MANAGER
Lodna Area
(P. K. SHARMA)
Agent.
North Tisra Colliery
(A. K. RAO)
PERSONNEL MANAGER
Lodna Area

नई दिल्ली, 21 अगस्त, 1990

का.आ. 2384 :—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार, मैसर्स सेंट्रल कोलफील्ड्स लि. की रेलीगोरा कोलियरी के प्रबंधन से सम्बद्ध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद केन्द्रीय सरकार औद्योगिक अधिकरण, (सं. 2), धनबाद, के पंचपट को प्रकाशित करती है।

New Delhi, the 21st August, 1990

S.O. 2384.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award of the Central Government Industrial Tribunal (No. 2), Dhanbad as shown in the Annexure in the industrial dispute between the employers in relation to the management of Religara Colliery of M/s. Central Coalfields Limited and their workmen, which was received by the Central Government.

ANNEXURE

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL (NO. 2) AT DHANBAD

Reference No. 61 of 1981

In the matter of an industrial dispute under Section 10(1)(d) of the I. D. Act, 1947

PARTIES :

Employers in relation to the management of Religara Colliery of CCL, P.O. Religara, Distt. Hazaribagh and their workmen.

APPEARANCES:

On behalf of the workmen: Shri S. Bose, Secretary, R.C.M.S.

On behalf of the employers: Shri R. S. Murthy, Advocate.

STATE: Bihar.

INDUSTRY: Coal.

Dhanbad, the 16th July, 1990

AWARD

This case was earlier decided by an ex parte Award dated 25-4-84 by this Tribunal. On a petition filed by the workmen the ex parte Award was set aside and the reference was restored to its original file for hearing.

The Government of India, Ministry of Labour in exercise of the powers conferred on them under Section 10(1)(d) of the I. D. Act, 1947 has referred the following dispute to this Tribunal for adjudication vide their Order No. L-24012 (5)/81-DIV(B), dated, the 22nd August, 1981.

SCHEDULE

"Whether the action of the management of Religara Colliery of Central Coalfields Limited in stopping Shri Biswanath Munda, son of Sri Jain Gobind Munda from work from 9-9-80 is justified? If not, to what relief he is entitled?"

According to the management in 1975 a voluntary retirement scheme had been framed in CCL. Under the said scheme a workman between age of 40 to 50 years could retire voluntarily on the condition that he/she was an unskilled piece rated worker. Such worker was given liberty to nominate for employment his/her son and in case there was no son, the son-in-law and in the absence of son-in-law, son of his real brother. Such incumbent was to be between 18 years to 25 years of age. It was also stipulated that a candidate was to work as piece-rated worker in the under ground section. There was some formalities introduced before this scheme could be availed of namely filling up of necessary forms verification of the relationship to the dependents of the retiring employees by the management etc. In terms of this scheme one Smt. Basmtia Kamin aged about 50 years belonging to village Adra, P. S. Bermo, District Ranchi was employed as piece rated loader at Religara colliery applied for voluntary retirement nominating her son Shri Biswanath Munda to be employed in her place. On the basis of this application the case of Biswanath Munda was processed and Smt. Basmatia Kamin was allowed to retire voluntarily and in her place her son Biswanath Munda was appointed as a piece rated worker with effect from 21-1-77.

Due to exigencies Shri Biswanath Munda along with 17 other piece rated workers of Religara colliery were transferred to Gidi-A colliery and such transferred piece rated workers continued to work till June, 1979. However, on their representation they were again ordered to be retransferred to Religara colliery with effect from 19-6-79. On 9-9-80 Biswanath Munda of Village Adra, P.S. Bermo, Distt. Ranchi sent an application to the management that on the voluntary retirement of his mother Smt. Basmatia Kamin he had been working but another person whose real name is Ram Jatan Sao alias Jatla son of Shri Akloo Sao of village Hesalong, P.O. Chumba, Distt. Hazaribagh taking advantage of his illness started working in his place when Biswanath Munda had fallen ill and had gone for treatment to his village home after taking leave. The management conducted an enquiry on getting the representation of Biswanath Munda. Pending enquiry the alleged imposter representing him as Biswanath Munda was stopped from work till the completion of the investigation. The management constituted an enquiry committee to examine the matter. The enquiry committee after examining the concerned persons, documents etc. and getting the matter verified by the concerned Gram Panchayet and Police was satisfied that the complaint of Biswanath Munda of village Adras was true and the person who was working at Religara colliery on transfer from Gidi-A was in fact Ram Jatan Sao of village Hesalong, District Hazaribagh.

The imposter won over Smt. Basmatia Kamin and obtained affidavit from her to the effect that he was the real Biswanath Munda. Subsequently Smt. Basmatia Kamin lodged a complaint that one Ram Jatan Sao alias Jatla of village Hesalong has forcibly taken her LTI on some papers and forced her to swear an affidavit to the effect that Shri Ram Jatan Sao alias Jatla is the real Biswanath Munda and her real son. Shri Biswanath Munda son of Shankar Munda had been nominated by Smt. Basmtia Kamin. The said Biswanath Munda had worked in Religara Colliery in place of her mother. He absented from work due to his prolonged illness. The management had no notice of the illness of Biswanath Munda son of Shankar Munda and in the meantime the imposter represented himself as Biswanath Munda started working at Gidi-A colliery. When it was established that the person who had complained was the real Biswanath Munda, he was allowed to join his duties at Religara colliery with effect from 22-11-80. The imposter Ram Jatan Sao alias Jatla son of Akloo Sao of village Hesalong, District Hazaribagh aided and abetted by the local union perpetuated a great fraud upon the management. Biswanath Munda son of Shankar Munda is an adivasi. The father of Ram Jatan Sao was a bania and the imposter could not be Munda. It was Viswanath Munda son of Shankar Munda who was appointed by the management in place of Smt. Basmatia Kamin. The complainant Biswanath Munda is not the son of Jai Govind Munda. The imposter who was working in place of Biswanath Munda son of Shankar Munda has no case and the action of the management is justified in stopping the imposter Biswanath Munda who in fact is Ram Jatan Sao alias Jatla son of Akloo Sao.

The case of the concerned workman, namely, Biswanath Munda son of Jai Govind Munda is that the management of Religara colliery of CCL appointed Shri Biswanath Munda as a piece rated loader with effect from 21-1-77. The management gave him training in the management's vocational training centre in accordance with the Mines Vocational training rules 1966 at Religara. The management after having satisfied with the bona fides of the workman allowed him to join his duties. The management transferred him from Religara colliery to Gidi-A colliery with effect from 17-12-77 after he had worked for sometime in the Religara colliery. He joined at Gidi-A colliery and worked there upto 19-6-79. He was transferred back to Religara colliery where he continued in employment upto 12-9-80. The management of Religara colliery, all on a sudden, stopped his duty with effect from 13-9-80 without any notice. He represented before the colliery Manager who directed him to see Shri Poddar an officer of the colliery. On 13-9-80 he met Shri Poddar and from him he learnt that a complaint had been made by someone against him that he was an imposter which matter was being investigated. No explanation or any allegation was supplied by the management to the concerned workman. The concerned workman produced affidavit and photographs before the management in proof of his bona fide but even then the management did not allow him to work. When he failed to seek justice from the management his union RCMS took up his case and made representation before the Religara colliery management vide letter dated 18-11-80. Thereafter his union represented the case before the ALC(C) Hazaribagh who took up the matter in conciliation. The conciliation failed and thereafter the present reference was made to this Tribunal for adjudication. According to the concerned workman the action of the management is illegal arbitrary and motivated and an act of unfair labour practice from the face of it and as such the concerned workman is entitled to be reinstated in his job at Religara colliery with full back wages as if he was never stopped from duty.

The point for decision is whether the concerned workman (Biswanath Munda son of Jai Govind) is an imposter and started working in place of Biswanath Munda son of Shankar Munda taking advantage of the absence during his illness.

The management examined 3 witnesses and the workmen examined 5 witnesses in support of their respective case. The documents of the management are marked Ext. M-1 to M-6 and the documents of the workmen are marked Ext. W-1 to W-5.

It will appear from the case of the management that Biswanath Munda son of Shankar Munda was appointed as

piece-rated loader in place of Basmatia Kamin who had retired under the voluntary retirement scheme, framed in the year 1975 in C.C.L. MW-1 is Biswanath Munda son of Shankar Munda who was appointed in place of Basmatia Kamin under the voluntary retirement scheme of the management. He has stated that his father Shankar Munda died when he was a child. His mother also died when he was a child. He has stated that after the death of his mother his father Shankar Munda married Basmatia Kamin who is cousin sister of his mother and he was brought up by Basmatia Kamin. He has stated that his step mother Basmatia Kamin was working in Pindra colliery as Over Burden Remover and after her transfer from Pindra to Religara colliery in 1976 she had applied for voluntary retirement. He has stated that she filed an application Ext. M-1 for her voluntary retirement and giving employment to Biswanath Munda son of Shankar Munda. The application Ext. M-1 shows that Basmatia the piece rated worker of Pindra-cum-Religara colliery had applied for the employment of her son Biswanath Munda under the voluntary retirement scheme. MW-1 has stated that he had been identified by Shri K. C. Upadhyaya Leader of INTUC and it appears that subsequently it was this K. C. Upadhyaya who had raised the industrial dispute on behalf of Biswanath Munda of Jai Govind Munda. The note of endorsement of identification by K.C. Upadhyaya is marked Ext. M-2. He has stated that he has been examined by Dr. Dutta, Medical Officer of Religara and the doctor had found a scur mark on his left leg below the knee and had made a note of it on the application Ext. M-1. The note of the medical officer on Ext. M-1 shows that there was one scur mark on the left leg of Shri Biswanath Munda in whose favour the employment was sought by Smt. Basmatia Kamin under the voluntary retirement scheme. MW-3 is Jai Govind Munda brother of Shankar Munda and uncle of Biswanath Munda son of Shankar Munda. He has made the point very clear about the marriage of Basmatia Kamin. MW-3 was also working as Coal Cutter since 1977 in Gidi-A colliery and before that he was working in Religara colliery since 1976. He has also stated that he was working in Pindra colliery since before nationalisation. He has stated that Shankar Munda was his elder brother and he pointed out to Biswanath Munda sitting in the Court as son of Shankar Munda. He has further stated that Basmatia Kamin was the wife of Shankar Munda and after death of his elder brother Shankar Munda he married Basmatia Kamin step mother of Biswanath Munda. He has also stated that the real mother of Biswanath Munda died and Basmatia Kamin is the step mother of Biswanath Munda. Thus if we read the evidence of MW-1 and M-3, who both belong to the same family, that Biswanath Munda is the son of Shankar Munda and that Shankar Munda had married Basmatia Kamin after the death of his previous wife, mother of Biswanath Munda, and on the death of Shankar Munda his brother Jain Govind Munda married Basmatia Kamin. As such Basmatia being the step mother of Biswanath Munda son of Shankar Munda had applied for giving employment to her step son under the voluntary retirement scheme. The fact that Biswanath Munda was given employment under the Voluntary Retirement Scheme in place of Basmatia Kamin is now not contested during the argument of the case.

It is stated on behalf of the concerned workman Biswanath Munda son of Jai Govind Munda that he has no dispute with the employment of Biswanath Munda son of Shankar Munda and that Shankar Munda son of Jai Govind Munda was appointed as son of Jai Govind Munda and not as son of Shankar Munda. The workman raising the dispute on behalf of the concerned workman has filed Ext. W-3 which is a certificate dated 2-3-81 issued under the signature of the Colliery Manager of Pindra colliery. It will appear from this certificate Ext. W-3 that the husband's name of Smt. Basmatia Kamin of B. Form No. 859 of Datma/Pindra colliery is Jai Govind Munda as per the screening list published at the time of nationalisation. This was issued to be produced before the ALCC as requested by the Organising Secretary of R.C.M.S. Ramgarh. The fact that this certificate discloses is that Smt. Basmatia Kamin is the wife of Jai Govind Munda is not disputed as the evidence of MW-1 Biswanath Munda son of Shankar Munda and the evidence of MW-3 Jai Govind Munda shows that Basmatia Kamin was the wife Jai Govind Munda. The fact as to how and when of Jai Govind Munda. The fact as to how and when

Basmatia Kamin married Jai Govind Munda is clearly explained in the evidence of MW-1 and MW-3. The evidence of MW-3 Jai Govind Munda is very significant and very important. This Jai Govind Munda MW-3 has clearly stated that he has no son named Biswanath Munda and thus the case of the concerned workman Biswanath Munda claiming to be the son of Jai Govind Munda is not supported by the person Jai Govind Munda. Had Biswanath Munda been the son of Jai Govind Munda there was no reason as to why MW-3 Jai Govind Munda would not have accepted Biswanath Munda as his son. Biswanath Munda claiming to be the son of Jai Govind Munda has not examined any witness to show that he is the son of Jai Govind Munda. WW-5 Biswanath Munda claiming to be the son of Jai Govind Munda has stated that he belongs to village Hesalong in the district of Hazaribagh. But no person from Hesalong or any relative have come forward to say that WW-5 Biswanath Munda is the son of Jai Govind Munda, of village Hesalong. WW-2 who is working in Religara colliery as Munshi has stated that Jai Govind Munda along with his wife had been transferred to Religara colliery from Pindra colliery in the year 1976 or 1977. WW-5 has not stated that he is the son of Jai Govind Munda born from his wife namely Basmatia Kamin. The reference to which WW-2 has made regarding Jai Govind Munda and his wife transferred to Religara colliery from Pindra colliery in 1976 appears to be in respect of Jai Govind Munda (MW-3) and his wife Basmatia Kamin whom he had married after the death of Shankar Munda. WW-3 Gujhan Gope has stated that he knows the concerned workman Shri Biswanath Munda who used to work in Religara colliery as underground loader. In his cross-examination he has stated that he cannot say if Biswanath Munda is Munda by caste. He also does not know the father's name and village of the concerned workman. He was unable to say as to when the concerned workman was appointed. He also cannot positively deny that the father's name of the concerned workman is Akloo Sao belonging to Hesalong. WW-4 Mathura Bhuia has stated that he knows the concerned workman who had worked with him in the underground. In cross-examination he has stated that he is seeing Biswanath working in Religara colliery since 1979 and he does not know the village home and address of the said Biswanath. He is also unable to say if the concerned workman is Munda by caste. Thus WW-3 and WW-4 have only stated that he had seen the concerned workman working in Religara colliery and the said fact is an admitted fact. The concerned workman Biswanath Munda was in fact working in Religara colliery and according to the case of the management he had entered into employment as Biswanath Munda son of Shankar Munda was absent due to sickness. Thus the evidence of WW-3 and WW-4 does not lead us to show that the concerned workman is the son of Jai Govind Munda.

The workmen have produced Ext. W-1 which is a Mines Vocational Training Certificate granted to Biswanath son of Jai Govind of village Hesalong of District Hazaribagh. It shows that this Biswanath was in training at the vocational training centre from 25-6-79 to 7-7-79 when admittedly the concerned workman Biswanath was working in Religara colliery. In this certificate Biswanath is not described as Munda nor in his father's name Jai Govind is described as Munda. According to the case of the management this Biswanath who had entered into the service was in fact Ram Jatan Sao son of Akloo Saw and that he had entered into service by falsely representing himself as Biswanath Munda son of Jai Govind Munda. It appears that as the concerned workman was not a Munda, he had neither described himself nor his father as Munda in Ext. W-1. Ext. W-2 dated 4-6-79 is the transfer order of Biswanath Munda from Gidi-A colliery to Religara colliery. Ext. W-4 dated 22-6-79 is the office order showing that Biswanath Munda of Gidi-A was released from East Mine with effect from 25-6-79 and was directed to report for his duty to the Manager, Religara colliery. Ext. W-5 dated 29-6-79 shows that Biswanath Munda transferred from Gidi-A colliery was allowed to resume his duty at Religara colliery with effect from 19-6-79. This document also does not support the point that the concerned workman was the real Biswanath Munda who had been appointed by the management. The concerned workman had entered into the service in the absence of the real Biswanath Munda son of Shankar Munda and as such the production of the transfer order by the workmen was quite possible.

The concerned workman who claims to be the son of Jai Govind Munda was appointed on 21-1-77 according to

the case of the workman. The concerned workman WW-5 stated that he has his appointment letter with him but he has not filed the same. There is also no clear evidence from the competent person that the concerned workman is Munda by caste. On the contrary the management has produced office order Ext. M-3 dated 21-1-77 which says that Biswanath Munda was a piece rated worker given employment in place of Basmatia Devi. Ext. M-6 is the declaration made by Biswanath Munda son of Shankar Munda when he started making contribution to Coal Mines Provident Fund. In this Ext. M-6 the mark of identification is noted "on scar mark on the back of left leg" which tallies with the identification stated by the doctor in the application filed by Basmatia Kamin Ext. M-1 at the time she had applied under the voluntary retirement scheme for giving employment to her son Viswanath. M-1 Biswanath Munda has shown said scar mark while deposing. Ext. M-4 is the Form B Register which shows that at Sl. No. 1707 Biswanath Munda is shown as son of Shankar Munda of village Adra, P.O. Ganju, District Ranchi. All these exhibits show that Biswanath Munda son of Shankar Munda was appointed in place of Basmatia Kamin under the voluntary retirement scheme and that the workmen have filed no document to show that the so-called Biswanath Munda described himself as son of Jai Govind Munda was in fact appointed by the management. There is absolutely no evidence to show that there was any Biswanath Munda son of Jai Govind Munda who was appointed by the management. It appears that the concerned workman had impersonated Biswanath Munda son of Shankar Munda of village Adra, District Ranchi and had entered into the service by falsely representing himself as Biswanath Munda son of Jai Govind Munda during the absence of Biswanath Munda son of Shankar Munda.

The facts, evidence and circumstances discussed above will show that the concerned workman representing, himself as Biswanath Munda son of Jai Govind Munda had not been appointed by the management and that the actual person who had been appointed by the management was Biswanath Munda son of Shankar Munda of village Adra who had filed the complaint Ext. M-5 dated 9-9-80 before the management and thereafter the concerned workman was stopped from his duties and Biswanath Munda son of Shankar Munda was allowed to join his duties after an enquiry was made by the management regarding the fact as to who was real Biswanath Munda who had been appointed by the management.

It is obvious therefore that the concerned workman had not been appointed by the management and his entry into service was by deception and fraud at the very inception and as such he cannot be said to be a "workman" of the management under the Industrial Disputes Act, 1947. The concerned workman being an imposter could be removed from service by the management under the Standing Orders of the company.

In the result, I hold that the action of the management of Religara colliery of M/s. CCL in stopping the person representing himself as Biswanath Munda son of Jai Govind Munda from work is justified and as such the concerned workman is entitled to no relief.

This is my Award.

I. N. SINHA, Presiding Officer

[No. L-24012(5)/81-DIV(B)/IR (Coal-I)]

का.अ. 2385 :—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 1 के अनुसरण में, केन्द्रीय सरकार, मैसर्स भारत कोकिंग कोल लिमिटेड की बेनीडीह कोलियरी, ब्लॉक-2 क्षेत्र के प्रबंधन से सम्बद्ध नियोजकों और उनके कर्मचारियों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण, (सं. 1), धनबाद के पंचपट को प्रकाशित करती है।

S.O. 2385.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award of the Central Government Industrial Tribunal (No. 1), Dhanbad as shown in the Annexure in the industrial dispute between the employers in relation to the management of Benedih Colliery, Block-II Area of M/s. BCCL and their workmen.

ANNEXURE

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL NO. 1 DHANBAD

In the matter of a reference under section 10(1)(d) of the Industrial Disputes Act, 1947
Reference No. 153 of 1988

PARTIES:

Employers in relation to the management of Benedih Colliery of Block-II Area of M/s. BCCL

AND

Their Workmen

APPEARANCES:

For the Employers : Shri P. N. Pandey, Sr. Law Officer,

For the Workmen : Shri B. N. Sharma, Joint General Secretary, Janta Mazdoor Sangh.
Stato : Bihar. Industry : Coal.

Delhi, the 18th July, 1990

AWARD

By Order No. L-24012/6/88-D-4(B), dated, the 18th November, 1988, the Central Government in the Ministry of Labour, has, in exercise of the powers conferred by clause (d) of sub-section (1) of Section 10 of the Industrial Disputes Act, 1947, referred the following dispute for adjudication to this Tribunal:

"Whether the action of General Manager, Block-II Area of M/s. B.C.C. Ltd. in not providing employment to the dependent of Sri S. S. Pandey, Sr. Overman who was declared unfit by the Appex Medical Board to perform his statutory duties, was justified? If not, to what relief the workman concerned is entitled?"

2. The case of the management of Benedih Colliery, as appearing from the written statement, details apart, is as follows:

The present reference is not maintainable. The concerned workman, S. S. Pandey was working as Senior overman, holding supervisory post and getting wages of more than Rs. 1600/- per month. In the circumstances, he is not a 'workman' within the meaning of Industrial Disputes Act. Anyway, S. S. Pandey was superannuated with effect from 16-6-85 after attaining the age of superannuation. He submitted application for payment of gratuity and was referred for payment of C.M.P.F. amount. Since he was superannuated on the basis of his age and was not discharged from service on medical ground, he cannot claim employment of his dependent under the provisions of N.C.W.A.III. Although Benedih colliery has underground mines, Block-II Area has large number of open cast projects where mining personnel are employed on the surface. There was/is no difficulty in deploying supervisory personnel like Senior Overman on the surface so that the Asstt. Colliery Manager may be relieved of large number of supervisory duties on the surface and devote more attention to underground workings. A few months before his superannuation, the concerned person, represented before the local management that he was finding defects in his vision and he should be declared medically unfit by the Appex Medical Board and his dependent son should be given employment. The local management referred his case to the Appex Medical Board in January, 1985 and detected that he was having cataract on the right eye and

aphakion the left eye and as such he was not found fit for his employment as Senior Overman underground. He was also having high blood pressure. The diseases were temporary in nature and could be cured by operation of cataract and administration of medicines. His employment on the surface was not banned. He was asked to appear before the Appex Medical Board on 24-3-85, 10-4-85 and 7-6-85 for his examination and necessary direction. He could not appear before the Appex Medical Board on the above dates and was ultimately superannuated with effect from 16-6-85. Since he did not respond to the advice of the Medical Board for re-examination and curative treatment for removal of his temporary disablement, no further step could be taken by the management. He was not certified to be permanently disabled by the Appex Medical Board. Hence, the question of providing employment to his dependent under N.C.W.A.II did not arise. He was temporarily disabled for underground work and was not permanently disabled for the job of Senior Overman. During the period of his temporary disablement for underground work, he was capable of performing his duty as Senior Overman on Open Cast Project. He adopted unfair means and avoided to respond to medical examination and treatment with a view to getting his son appointed and the management could not encourage such unfair practice. In the circumstances, the management has prayed that its action in not providing employment to his dependent be held to be justified.

3. The case of the concerned workman, as appearing from the written statement submitted on his behalf by the sponsoring union, Janta Mazdoor Sangh, briefly stated, is as follows :

The concerned workman had been working in a permanent post as Senior Overman in Benedih Colliery of Block-II Area of M/s. B.C.C. Ltd. for a fairly long period of more than 24 years. While working as Senior Overman, he suffered from incurable disease and his health deteriorated day by day and he fell victim to grip of continued illness. He could not be cured while in service. As a result of serious and continued illness he was not in a position to perform his statutory duties of Senior Overman. When the local management of Benedih colliery was fully satisfied that he became unfit for performance of his statutory duties, the Agent of the Colliery by his letter dated 8th January, 1985 directed him to appear before the Appex Medical Board at Koyla Bhawan for ascertaining his physical fitness for performances of statutory duties of Senior Overman. In compliance with the above order he appeared before the Appex Medical Board for ascertainment of his physical fitness. The Board, after medical examination declared him physically unfit for performance of his duty on 16th January, 1985. The report of the Medical Board declaring him unfit for his statutory job was deliberately kept in suppression and was not sent to the management of Block-II Area. Thus, he was prevented from availing himself of the benefit of securing employment for his dependent son, Murari Pandey. His treatment and maintenance were also made difficult due to the mischievous act of the Chief Medical Officer. The management of M/s. B.C.C.L. did not take any action against the Chief Medical Officer. The matter in dispute was taken up for months on end with the management of M/s. M.C.C. Ltd. but without any fruitful result. In the circumstances, he raised the present industrial dispute before the A.L.C.(C), Dhanbad, through Janta Mazdoor Sangh. The dispute was taken up in conciliation, but that ultimately ended in a failure. The appropriate Government has been pleased to refer the dispute for adjudication by this Tribunal. The demand of the workman, represented by Janta Mazdoor Sangh, is that in accordance with the terms of settlement of N.C.W.A.III the dependent son of the concerned workman, namely, Murari Pandey be provided with employment as this is a condition of service of a workman who had worked for a long period of more than 24 years. It is alleged that the management of M/s. M.C.C. Ltd. deliberately neglected to provide employment to Murari Pandey when the concerned workman was declared unfit with effect from 16th January, 1985. In the circumstances, it has been prayed that this Tribunal be pleased to make an award in favour of the workman directing the management to provide employment to Murari Pandey son of the concerned workman with compensation for wages available to a workman of Category-I with effect from 16th January, 1985 till employment is provided.

4. In rejoinder to the written statement of the sponsoring union, the management has denied each and every allegation contrary to its case and asserted that the concerned person was in normal state of health till his retirement save and except his eye trouble which occurred towards the end of his service on account of cataract which could be cured by operation. The management has emphatically denied that he was having serious and continued illness or that he was not in a position to perform his statutory duty.

5. In rejoinder to the written statement of the management, the sponsoring union has asserted that the concerned workman was a 'workman' within the meaning of Industrial Disputes Act and that he was declared medically unfit before his superannuation and thus in accordance with the terms and conditions as laid down in the N.C.W.A., he was entitled to secure employment for his dependent son. He was suffering from incurable disease before his retirement and he represented before the local management that due to his incurable disease and serious illness, he was not fit to perform his normal duty and requested the management to send him to the Appex Medical Board for ascertaining his physical ability for performance of his original job. The Board declared that he was having macular 'D' generation of his right eye and therefore he was having diminishing vision in his left eye as well. It was also declared by the Board that he was suffering from blood pressure, heart disease and other diseases. The Board declared him unfit for performance his job as Senior Overman. The union has asserted that no order directing him to appear before the Medical Board on 22nd March, 1985, 10th April, 1985 and 7th June, 1985 was communicated to him.

6. The management, in support of its case has examined three witnesses, namely, MW-1 Dr. V. K. Maheshwari, now posted as Senior Specialist in Radiology in M/s. B.C.C.L., MW-2 S. S. Thakur, Agent of Benedih Colliery and MW-3 R. D. Sharma, Personnel Officer of the said colliery and laid in evidence a number of documents which have been marked Exs. M-1 to M-12.

On the other hand, the sponsoring union has examined the concerned workman as WW-1 and laid in evidence some documents which have been marked Exs. W-1 to W-3.

7. Admittedly, S. S. Pandey was working as Senior Overman in Benedih Colliery of Block-II Area of M/s. B.C.C. Ltd. It is the firm case of the management that since he was holding supervisory post and getting wages more than Rs. 1600 per month, he is not a 'workman' within the meaning of Section 2(s) of the Industrial Disputes Act. Section 2(s) of the Industrial Disputes Act envisages that workman, employed in a supervisory capacity and drawing wages exceeding one thousand six hundred rupees per mensem or exercises, either by the nature of the duties attached to the office or by reason of the powers vested in him, functions mainly of a managerial nature, is not considered to be a 'workman' within the meaning of that Section. The concerned workman has admitted in his evidence that his gross wages was around Rs. 2000 per mensem at the relevant time.

Shri P. N. Pandey, authorised representative of the management, has submitted that since the concerned workman was employed in a supervisory capacity and was drawing wages more than Rs. 1600 per month, he is not a 'workman' within the meaning of Section 2(s) of the Industrial Disputes Act. On the other hand, Shri B. N. Sharma, authorised representative of the union, has contended that the concerned workman was not employed in a supervisory capacity and so the question of his not being considered as workman within the meaning of Section 2(s) of the Industrial Disputes Act does not arise.

Regulation 43 of the Coal Mines Regulation, 1957 has laid down the details of duties and responsibilities of overman. Regulation 43 reveals the duties of overman including his responsibility to over-see the performance of duties by subordinate officials and competent persons in his district. His duties and responsibilities as embodied in Regulation 43 do not give him any power either to appoint any workman or to dismiss any workman or to take disciplinary action against any workman in his district. The duties of supervisor is (i) to lay out and organise the work and its flow, (ii) to determine the production of workmen and how such production can be achieved and (iii) also to represent the man-

agement with a view to ensuring performance of work and motivating the work force in the total production. In this view of the matter the overman employed in a coal mine is not a supervisor. His duty, as enshrined in the Coal Mines Regulation, is to ensuring the safety arrangement and to over-see the work of subordinate officials and competent persons in his district for ensuring the safety measures. Accordingly, the overman working in a coal mine is not employed in a supervisory capacity and so he is considered to be a 'workman' within the meaning of Section 2(s) of the Industrial Disputes Act. This being the position, the contention of Shri Pandey, authorised representative of the management that the concerned workman was not a workman within the meaning of Section 2(s) of the Industrial Disputes Act must be over-ruled.

8. There is no dispute that S. S. Pandey was working as Senior Overman in Benedih Colliery and retired from service with effect from 16th June, 1985 after attaining the age of superannuation on completion of 60 years. The concerned workman has admitted that he has got payment for gratuity and provident fund. In other words, he has accepted the superannuation benefit from the management.

9. It appears that by letter dated 12th November, 1984 addressed to the Superintendent, Benedih Colliery, the concerned workman prayed before the management for referring him to the Medical Board as Koyla Bhawan for medical check up relating to his eye sight and general health including chest and heart (Ext. M-3). Presumably, the matter was referred to the appropriate authority by the management of the colliery and medical examination of the concerned workman was held on 10th January, 1985. By medical examination it was detected that the concerned workman was having matured contract in the right eye, aphakin in the left eye and E.C.G. report disclosed that the condition of his heart was within normal limit, blood sugar also normal and it was declared that he was temporarily unfit till operation was made and opinion of the Board was that he was unfit for the present employment (Exts. M-1 and M-2). The Union has complained that this report of the Medical Board was never communicated to the concerned workman while the management asserted that it was so done. Whatever may be the fact, it appears that the concerned workman was again directed to appear before the Medical Board on 22nd March, 1985, 10th April, 1985 and 7th June, 1985 (Exts. M-4 to M-6). The case of the union is that this direction was never communicated to the concerned workman. The management has produced two letters dated 20th March, 1985 and 31st May, 1985 (Exts. M-7 and M-8 respectively) whereby the concerned workman was directed to appear before the Medical Board at Koyla Nagar on 22nd March, 1985 and 7th June, 1985. The concerned workman tried to dispute his signature marked Ext. M-7/1 on Ext. M-7, but in vain because his authorised representative Shri B. N. Sharma admitted during the course of hearing that the signature was really the signature of the concerned workman. Thus, it is seen that the direction of the management to the concerned workman to appear before the Medical Board on 22nd March, 1985 was communicated to him. It is an admitted fact that he did not appear before the Medical Board with the result that he could not be further medically examined.

10. MW-1 Dr. V. K. Maheshwari, one of the members of the Medical Board, has stated emphatically that the case of the concerned workman was a case of temporary disablement since he was having cataract in one eye and normal vision could be restored to cataract patient after successful operation. He has further stated that a Senior Specialist examined the heart of the concerned workman and detected no abnormality and that the total finding of the Medical Board was that the concerned workman was found unfit for the present employment and that the report of the Medical Board (Ext. M-1) indicated that he was temporarily found unfit till an operation was made for removal of cataract.

MW-2 S. S. Thakur posted as Agent of Benedih Colliery from 5-8-81 to 1-3-87 has stated on oath that as per Medical Board report the concerned workman was declared unfit for the job temporarily and accordingly the Asstt. Colliery Manager was

directed to look after the job of Sri Pandey in the underground and Sri Pandey was directed to perform his job only on the surface. He has further stated that he was given to understand that the concerned workman despite the order mostly absented from duty. Anyway, there is nothing on record to indicate that the concerned workman was denied his wages for absence from duty.

11. The sponsoring union laid claim for employment of the son or the concerned workman in terms of the provisions for employment of dependant in N.C.W.A.III. Paras 9.4.1 and 9.4.2 of the N.C.W.A.III run as follows :

"9.4.1—Provision of Employment to Dependents :

Employment would be provided to one dependant of workers disabled permanently and those who meet with death while in service. This provision will be implemented as follows:

9.4.2—Employment of one Dependant of the Worker who dies while in Service :

- (i) The dependant for this purpose means the wife/husband as the case may be, unmarried daughter, son and legally adopted son. If no such direct dependant is available for employment, younger brother, widowed daughter/widowed daughter-in-law residing with the deceased and almost wholly dependant on the earnings of the deceased may be considered to be the dependant of the deceased.
- (ii) The dependant to be considered for employment should be physically fit and suitable for employment and aged not more than 35 years provided that the age limit shall not apply in the case of spouse."

12. Upon perusal of these provisions it is obvious that the management is under obligation to give employment to one dependant of workers disabled permanently and who met with death while in service. It does not appear from the reports of the Medical Board nor from the evidence on record that the concerned workman was disabled permanently. The report of the Medical Board discloses that he was having cataract in his right eye and aphakin in the left eye and he was declared temporarily unfit for the present employment till an operation was made. The evidence of MW-1 also confirms this position. Hence, I have no hesitation hold that the case of the concerned workman was not a case of permanent disablement and this being so the management of Benedih colliery was under no obligation to give employment to his dependant son, Murari Pandey. The fact is that the concerned workman retired from service after reaching the age of superannuation and he has drawn his superannuation benefits from the management. Hence I come to the conclusion that the action of the management in not providing employment to the dependant son of the concerned workman is justified.

13. Accordingly, the following award is rendered--the action of the General Manager, Block-II Area of M/s. B.C.C.Ltd. in not providing employment to the dependant of S. S. Pandey, Senior Overman, is justified.

In the circumstances of the case, I award no cost.

S. K. MITRA, Presiding Officer

[No. L-24012(6)|88-D.IV(B)|IR(Coal-I)]

नई दिल्ली, 22 अगस्त, 1990

का.आ. 2286.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार, मैसर्स भारत कोकिंग कोल लि. की साउथ तीसरा कोलियरी के प्रबंधन से सम्बन्धित नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण (सं. 2) धनबाद के पंचपट को प्रकाशित करती है।

New Delhi, the 22nd August, 1990

S.O. 2386.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award of the Central Government Industrial Tribunal (No. 2), Dhanbad as shown in the Annexure in the South Tisra Colliery of M/s. Bharat Coking Coal Limited and their workmen.

ANNEXURE

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL (NO. 2) AT DHANBAD

Reference No. 316 of 1987

In the matter of an industrial dispute under Section 10(1)(d) of the I. D. Act, 1947

PARTIES

Employers in relation to the management of South Tisra Colliery of M/s. Bharat Coking Coal Ltd. and their workmen.

APPEARANCES

On behalf of the workmen.—Shri S. Bose, Secretary, RCMS Dhanbad.

On behalf of the employers.—Shri B. Joshi, Advocate.

STATE : Bihar.

INDUSTRY : Coal.

Dated, Dhanbad, the 30th July, 1990

AWARD

The Govt. of India, Ministry of Labour in exercise of the powers conferred on them under Section 10(1)(d) of the I. D. Act., 1947 has referred the following dispute to this Tribunal for adjudication vide their Order No. No. L-24012(59)|87-D.IV(B), dated, the 9th December, 1987.

SCHEDULE

"Whether the demand of Rashtriya Colliery Mazdoor Sangh (INTUC), Dhanbad for employment of Sri Naheshwar Mali, dependant brother of late Rameshwar Mali, Wagon Loader of South Tisra Colliery of M/s. Bharat Coking Coal Ltd. is justified ? If not, to what relief the person concerned is entitled ?"

In this case instead of filing the W.S. both the parties appeared and filed a petition of compromise. I heard both the parties on the said petition of compromise and I do find that the terms of compromise are fair and proper. Accordingly I accept the same and pass an Award in terms of the petition of compromise which forms part of the Award as Annexure.

I. N. SINHA, Presiding Officer

[No. L-24012(59)|87-D.IV(B) (Coal-I)]

ANNEXURE

BEFORE THE PRESIDING OFFICER, CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL NO. 2 DHANBAD

Reference No. 316/87

Employers in relation to the management of South Tisra Colliery

AND

Their Workmen

Petition of compromise

(The humble petition on behalf of the parties to the above reference most respectfully shouth :—

1. That the Central Government by notification No. L-24012(59)|87-OIV(B) dated the December, 1987 has been pleased to refer the present case to the Hon'ble Tribunal for adjudication on the issue contained in the schedule of reference which is reproduced below :—

SCHEDULE

"Whether the demand of RCMS, Dhanbad for employment of Shri Nageshwar Mali, dependant brother of Late Rameshwar Mali, Wagon Loader of South Tisra Colliery of M/s. BCCL is justified ? If not to what relief the person concerned is entitled ?"

2. That the above dispute has been amicably settled between the parties on the following terms :—

TERMS OF SETTLEMENT

- (a) That the concerned person Shri Nageshwar Mali will be given employment as Padli Miner/Loader at South Tisra Colliery if he report for his duty within 30 days from the date of this settlement alongwith the following documents.
- (b) That the concerned workman will produce his residence certificate from the C.O. or

BDO alongwith the copies of his photo-graph duly attested by the CO or BDO granting him the residence certificate.

(c) That the concerned workman will submit an affidavit stating that there is no direct dependant like wife, son, daughter or son-in-law of Late Rameswar Mali and he is the only dependant brother of Late Rameswar Mali.

(d) That the concerned workman will appear before the medical board for examination of his medical fitness for the job of a Miner/Loader. If he will be found medically unfit to work as Miner/Loader or Wagon/Loader he will not claim for any job under the management. The opinion of the medical board will be final and conclusive and no party will have right to challenge the report of the medical board.

(e) That if in future it will be observed that any part of the affidavit or the residence certificate is incorrect, the concerned workman will be removed from his service and the concerned workman will not claim for any relief.

3. That in view of the settlement remains nothing to be adjudicated.

It is humbly prayed that the settlement may kindly be accepted as fair and proper and award may be passed in terms of the settlement.

For the workmen

(G. D. PANDEY)
Vice President, INTUC

(NAGESWAR MALI)

Witness (1)

For the Employers
(C. P. SINGH)

Dy. Chief Mining Engineer,
South Tisra
(V. R. JOSHI)

Dy. Chief Personnel Manager
Lodna Rrea
(A. K. RAO)

Personnal Manager,
Lodna Area
(2)

का.प्र. 2387—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में केन्द्रीय सरकार मैसर्स भारत कोकिंग कोल लि. को भगवन्त कोलियरी से सम्बन्धकों नियोजन और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण (सं. 2), धनबाद के पंचपट को प्रकाशित करती है, जो केन्द्रीय सरकार को 13-8-90 को प्राप्त हुआ था।

2291 GI/90—15

S.O. 2387.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award of the Central Government Industrial Tribunal (No. 2), Dhanbad as shown in the Annexure in the industrial dispute between the employers in relation to the management of Bhagaband Colliery of M/s. Bharat Coking Coal Limited and their workmen, which was received by the Central Government on the 13-8-90.

ANNEXURE

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL (NO. 2) AT DHANBAD

Reference No. 28 of 1987

In the matter of an industrial dispute under section 10(1) (d) of the I. D. Act, 1987

PARTIES

Employers in relation to the management of Bhagaband Colliery of Messrs. Bharat Coking Coal Limited and their workmen.

APPEARANCES

On behalf of the workmen.—Shri S. S. Bhattacharjee Advocate.

On behalf of the employers.— Shri B. Joshi, Advocate.

STATE : Bihar.

INDUSTRY : Coal.

Dated, Dhanbad, the 6th August, 1990

AWARD

The Govt. of India, Ministry of Labour in exercise of the powers conferred on them under Section 10 (1) (d) of the I. D. Act, 1947 has referred the following dispute to this Tribunal for adjudication vide their Order No. L-20012 (248) 86-D.III(A), dated, the 15th January, 1987.

SCHEDULE

“Whether the demand of Rashtriya Colliery Mazdoor Sangh that the management of Bhagaband Colliery of M/s. Bharat Coking Coal Limited should pay Life Cover Scheme amount to the dependant concerned of their ex-workman, late Nakul Mahato, Coal Cutter, under para 9.2.1 and provide a job to his dependant under para 9.4.2 of the National Coal Wage Agreement-III is justified? If so, to what relief are the dependants of the deceased workman concerned entitled?”

In this case both the parties appeared and filed their respective W.S. etc. Thereafter the case proceeded along its course. Subsequently at the stage of evidence, both the parties appeared before me and filed a petition of compromise. I heard both the parties on the said petition of compromise and I do find that

the terms contained therein are fair, proper and beneficial to both of them. Accordingly I accept the same and pass an Award in terms of the compromise petition which forms part of the Award as Annexure.

I. N. SINHA, Presiding Officer

[No. L-20012(248)/86-D.III(A)/IR-(Coal-I)]

BEFORE THE PRESIDING OFFICER, CENTRAL
GOVERNMENT INDUSTRIAL TRIBUNAL NO. 2
AT DHANBAD

Reference No. 28/87

Employers in relation to the management of
Bhagabad Colliery

AND

Their Workmen

Petition of compromise

The humble petition on behalf of the parties to the above reference most respectfully sheweth :—

1. That the above dispute has been amicably settled between the parties on the following terms :—

TERMS of SETTLEMENT

- (a) That it has been agreed that the legal dependent of Late Nakul Mahato, Miner/Loader of Bhagabad Colliery will be paid the amount due under Life Cover Scheme in respect of Late Nakul Mahato as per NCDA.
- (b) That it has been agreed that the dependent son of Late Nakul Mahato will be given the job of Badli Miner/Loader as soon as his genuinity will be established and will be declared medically fit by the medical board constituted for this purpose.
- (c) That it will be the responsibility of Sri Kailash Lal, Asstt. Secy., RCMS to identify the son of late Nakul Mahato named Sri Pran Mahato on whose behalf he had raised the present dispute and produce him before the management along with the certificates of genuinity with due endorsements on his photographs, for proper verification.
- (d) That Sri Pran Mahato will appear before the medical board after proper identification and will be provided with job of Badli Miner/Loader as and when available after he will be declared medically fit for the job of Badli Miner/Loader.

2. That in view of the above settlement there remains nothing to be adjudicated.

Under the facts and circumstances stated above the Hon'ble Tribunal will be graviously pleased to accept

the settlement as fair and proper and be pleased to pass the Award in terms of the Settlement.

For Workmen

- 1.
- 2.

Advocate.

Witness

- 1.
- 2.

- 1.
- 2.

Dy. Chief Personnel Manager
Bharat Coking Coal Limited
Pootkee Balihari Area

का.आ. 2388—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार, भारत कोकिंग कोल लिमिटेड की अलकुरा कोलियरी के प्रबंधन में सम्बद्ध नियोजकों और उनके कर्मचारों के बीच, अतुल्य में निविष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण, (सं. 2), धनबाद के पंचपट को प्रकाशित करती है, जो केन्द्रीय सरकार को 13-8-90 को प्राप्त हुआ था।

S.O. 2388.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award of Central Government Industrial Tribunal (No. 2), Dhanbad as shown in the Annexure in the industrial dispute between the employers in relation to the management of Alkura Colliery of M/s. Bharat Coking Coal Limited and their workmen, which was received by the Central Government on the 13-8-90.

ANNEXURE

BEFORE THE CENTRAL GOVERNMENT
INDUSTRIAL TRIBUNAL (NO. 2) AT DHANBAD
REFERENCE NO. 329 OF 1986

In the matter of an Industrial dispute under Section 10(1)(d) of the I. D. Act., 1947.

PARTIES :

Employers in relation to the management of Alkura Colliery of M/s. Bharat Coking Co. Limited and their workmen.

APPEARANCES :

On behalf of the workmen : Shri S. Bore, Secretary, R. C. M. S.

On behalf of the employers : Shri B. Joshi, Advocate.

STATE : Bihar.

INDUSTRY : Coal.

Dated, Dhanbad, the 6th August, 1990

AWARD

The Government of India, Ministry of Labour in exercise of the powers conferred on them under Sec-

tion 10(i) (d) of the I.D. Act, 1947 has referred the following dispute to this Tribunal for adjudication vide their Order No. L-20012(165)|86-D.III(A), dated, the 19th September, 1986.

THE SCHEDULE

"Whether the demand of Rashtriya Colligery Mazdoor Sangh that the management of Alkusa Colliery of M/s. Bharat Coking Coal Limited should give employment to a dependant of their deceased workman, late Gopal Singh, Miner/Loader who died while in service on 20-3-1980, is justified under para 10.4.2 of the National Coal Wage Agreement-II? If so, to what relief is a dependant of the said deceased workman entitled?"

In this case both the parties appeared and filed their respective W.S. Thereafter the case proceeded along its course. Subsequently both the parties appeared and filed a petition of compromise. I heard both the parties on the said compromise petition and I do find that the terms contained therein are fair, proper and beneficial to both the parties. Accordingly I accept the said compromise petition and pass an Award in terms of the compromise petition which forms part of the Award as Annexure.

Sd/-

I. N. SINHA, Presiding Officer.
[No. L-20012(165)|86-D.III(A)|1R(Coal.I)]

BEFORE THE PRESIDING OFFICER, CENTRAL
GOVERNMENT, INDUSTRIAL TRIBUNAL
NO. II AT DHANBAD

REFERENCE NO. 329-86

Employers in relation to the Management of
Alkusa Colliery.

AND

Their workmen.

Petition of Compromise

The humble petition on behalf of the parties to the reference most respectfully sheweth :—

1. The Central Government by notification No. L-20012|165)|86-D.III(A) dated 19-9-86 has been pleased to refer the present dispute to the Honourable Tribunal for adjudication on the issue contained in the schedule of reference which is reproduced below :—

The Schedule

"Whether the demand of Rashtriya Colliery Mazdoor Sangh that the management of Alkusa Colliery of M/s. Bharat Coking Coal Limited, should give employment to the dependant of their deceased workman, late Gopal Singh, Miner Loader who died while in service on 20-3-1980 is justified under para 10-4-2 of the national wage board agreement-II? If so, to what relief is a dependant of the said deceased workman entitled?"

2. That the above dispute has been amicably settled between the parties on the following terms :—

Terms of Settlement

- (a) That the widow of the deceased workman named Gopal Singh, will be provided employment as casual wagon Loader as soon as she will report for duty subject to the following conditions :—
- (b) That the concerned lady will produce her certificate of genuity with two copies of attested photographs from the Mukhiya, and Block Development Officer of the Gram Panchayat/Block within whose jurisdiction her permanent village is situated. She will also produce a certificate of identification from the union representative sponsoring this dispute, which will be verified from the District Authority and in case she will be declared ingenuine her service will be terminated and legal action taken against her.
- (c) That she will be sent to medical Board for determination of her age and suitability for the job. In case she will be medically unfit or above the age of 45 she will not be entitled for employment. The report of the medical board will be final and conclusive and no party will be entitled to challenge the report.

3. That in view of the above settlement there remain nothing to be adjudicated.

Under the facts and circumstances stated above the Hon'ble Tribunal will be graciously pleased to accept the settlement as fair and proper and be pleased to pass the award in terms of the settlement.

For the workmen.

1. (Sd/-
2. (Sd/-

For the Employers.

1. (Sd/-
2. (Sd/-

Witnesses

1. (Sd/-
2. (Sd/-

नई दिल्ली, 23 अगस्त, 1990

का आ. 2389-औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार मैसर्स भारत कोकिंग कोल लिमिटेड की बलिहारी कोलियरी के प्रबंधन से सम्बद्ध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निदिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण, सं. 2, धनबाद के पंचपट को प्रकाशित करती है, जो केन्द्रीय सरकार को 20 अगस्त, 1990 को प्राप्त हुआ था।

New Delhi, the 23rd August, 1990

S.O. 2389.—In pursuance of section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award of the Central Government Industrial Tribunal (No. 2) Dhanbad as shown in the Annexure in the industrial dispute between the employers in relation to the management of Balihari Colliery of Messrs. Bharat Coking Coal Limited and their workmen, which was received by the Central Government on the 20-8-90.

ANNEXURE

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL (NO. 2) AT DHANBAD

PRESENT

Shri I. N. Sinha, Presiding Officer.

REFERENCE NO. 146 OF 1986

In the matter of an industrial dispute under Section 10(1)(d) of the I.D. Act, 1947

PARTIES :

Employers in relation to the management of Balihari Colliery of Messrs. Bharat Coking Coal Ltd. and their workmen.

APPEARANCES :

On behalf of the workmen.—Shri S. Bose, Secretary R.C.M.S. Union.

On behalf of the employers.—Shri G. Prasad, Advocate.

STATE : Bihar INDUSTRY : Coal.

Dhanbad, the 9th August, 1990

The Govt. of India, Ministry of Labour in exercise of the powers conferred on them under Section 10(1)(d) of the I.D. Act, 1947 has referred the following dispute to this Tribunal for adjudication vide their Order No. L-20012(316)/85-D.III(A), dated, the 20th March, 1985.

THE SCHEDULE

"Whether the demand of Rashtriya Colliery Mazdoor Sangh that a dependant of Shri Chhotan Mahato, under-ground Trammer, who retired from the service of Balihari Colliery of Messrs. Bharat Coking Coal Ltd. from 14-11-76, should be given a job in the Colliery by the management under the Employees' Dependents Employment Scheme operative from January, 1976 to April, 1978, is justified? If so, to what relief the workman concerned is entitled?"

In this case both the parties instead of filing their respective W.S. appeared before me and filed a Joint petition of Compromise. I heard both the parties on the said petition of compromise and I do find that the terms contained therein are fair, proper and beneficial to both of them. Accordingly I accept the same and pass an Award in terms of the said

petition of compromise petition which forms part of the Award as Annexure.

I. N. SINHA, Presiding Officer

[No. L-20012/3/16/85-D.III(A) IR(Coal-I)]

APPENDIX

BEFORE THE PRESIDING OFFICER, CENTRAL
GOVERNMENT INDUSTRIAL TRIBUNAL

NO. 11,

DHANBAD

Ref. No. 146/86

Employers in relation to the management of Balihari Colliery of M/s. Bharat Coking Coal Limited

AND

Their workmen (represented by Rashtriya Colliery Mazdoor Sangh.) Joint petition of compromise.

The humble petition on behalf of both the parties most respectfully, Showeth —

1. That, the Central Government, Ministry of Labour, by a notification has referred the Industrial Dispute for an adjudication u/s 10(1)(d)(2A) of the Industrial Disputes Act, 1947 for an adjudication which is pending before this Hon'ble Tribunal.

2. That, the parties discussed the aforesaid industrial dispute between themselves and have settled the same on the following terms and conditions :

Terms of Settlement

- (i) That, as a special case the dependent son namely Shri Prabhu Mahato of late Chhottan Mahato, Ex. U. C. Trammer of Balihari Colliery shall be employed as Badli Minor/Lender subject to fitness and proper certification/identification by the union (RCMS) and/or by the District Authorities.
- (ii) The dependent son named above of late Chhottan Mahato should report to the Dy. Chief Personal Manager, Poothee Balihari Area within 30 days from the publication of the settlement/Award for taking necessary steps, and completing formalities for his employment.
- (iii) The dependant son named above shall have to produce medical certificate from the Company's Medical Officer with regard to his physical fitness.
- (iv) That Shri Prabhu Mahato dependent son of Late Chhottan Mahato shall swear an affidavit before the Notary Public, Dhanbad declaring his name, age, (date of birth christian calendar era), home address, and other particulars of himself. The union shall also attest the photographs of the dependent son of late Chhottan Mahato, namely Shri Prabhu Mahato.
- (v) That in case there is any dispute interse between the serving members of family of late Chhottan Mahato and his said son Shri

Prabhu Matato, the employer, BCCL shall not be liable in any manner whatsoever.

- (vi) That his said son shall get wages and other benefits from the date he is allowed to resume duties after proper verification.
- (vii) That his said son shall not be entitled to any wages and/or other benefits for the period prior to he resume duties.
- (viii) That neither the surviving family members of late Chootan Mahato nor his said son shall have any claim, interest whatsoever against M/s. BCCL.
- (ix) That, this settlement resolves all the disputes between the parties.
- (x) That the settlement is fair and proper.
- (xi) That, it was also agreed that 7 copies of this settlement to be filed before the Hon'ble Industrial Tribunal and the Tribunal may be requested to pass an award in term of the settlement.

It is, therefore, prayed that your honour may be graciously placed to accept the settlement and pass an award in terms of the settlement.

And for this act of kindness the parties shall ever pray.

Sd/-

(G. D. Pandey)
DCMS

Sd/-

(EMP Veram)
Chief General Manager, BCCL,
Pootkee Baliheri Area,

Sd/-

(T. P. Jha)

Dy. Chief Personnel Manager,
Pootkee Baliheri Area,

(H. S. Chatterjee
BCCL, P. B. Area.

WITNESS

- (1) Illegible
- (2) Illegible

Sd/- Illegible

का० आ० 2390.—औद्योगिक विवाद अधिनियम 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार, मसर्स भारत कोकिंग कोल लिमिटेड की पुटकी कोलियरी के प्रबंधन से सम्बद्ध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निदिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक, अधिकरण (सं-2) धनबाद के पंचपट को प्रकाशित करती है जो केन्द्रीय सरकार को 20-8-90 को प्राप्त हुआ था।

S.O. 2390.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award of the Central Government Industrial Tribunal No. 2 Dhanbad, as shown in the Annexure in the industrial dispute between the employers in relation to the

management of Pootkee Colliery of Messrs. Bharat Coking Coal Limited and their workmen, which was received by the Central Government on the 20-8-90.

ANNEXURE

BEFORE THE CENTRAL GOVERNMENT
INDUSTRIAL TRIBUNAL (NO. 2) AT
DHANBAD

PRESENT

Shri I. N. Sinha, Presiding Officer.

Reference No. 101 of 1986

In the matter of an industrial dispute under Section 10(1)(d) of the I.D. Act, 1947.

PARTIES :

Employers in relation to the management of Putkee Colliery of Messrs. Bharat Coking Coal Limited and their workmen.

APPEARANCES :

On behalf of the workmen—Shri S. S. Bhattacharjee, Advocate.

On behalf of the employers.—Shri B. Joshi, Advocate.

STATE : Bihar

INDUSTRY : Coal

Dhanbad, the 9th August, 1990

AWARD

The Govt. of India, Ministry of Labour in exercise of the powers conferred on them under Section 10 (1)(d) of the I.D. Act., 1947 has referred the following dispute to this Tribunal for adjudication vide their Order No. L-20012(319) 85-D.III(A), dated, the 11th February, 1986.

THE SCHEDULE

“Whether the demand of Rashtriya Colliery Mazdoor Sangh that the casual Wagon Loaders whose names are given below (Annexure-A) should be regularised by the management of Putkee Colliery of M/s. Bharat Coking Coal Limited is justified? If so, to what relief are these workers entitled?”

ANNEXURE

1. Bataswa Kamin.
2. Bachiya Kamin.
3. Kalawa Noniain.
4. Sudamia Bhuini.
5. Parco Bhuini.
6. Kapura Pasin.
7. Kari Bhuini.
8. Jhalwa Bhuini.
9. Harani Bhuini.
10. Sahadari Bhuini.
11. Bedamia Dusadhin.
12. Rampatia Bhuini.

13. Sonamani Majhian.
14. Rameswari Ghatwarin.
15. Kunti Orain.
16. Jabuna Oraon.
17. Kajoli Orain.
18. Anarwa Bhuini.
19. Rani Bourin.
20. Rasona Bourin.
21. Lakhiya Bhuini.
22. Chamaria Bhuini.
23. Tetri Bhuini.
24. Saraswati Bhuini.
25. Rasidan Khatoon.
26. Sahowa Bhuini.
27. Jabuna Kamin.
28. Rukmini Noniain.

In this case both the parties appeared and filed their respective W.S. documents. Thereafter the case proceeded along its course. Subsequently at the stage of evidence both the parties appeared before me and filed a Joint petition of compromise. I heard both the parties on the said petition of compromise and I do find that the terms contained therein are fair, proper and beneficial to both the parties. Accordingly I accept the same and pass an Award in terms of the Joint petition of compromise which forms part of the Award as Annexure.

I. N. SINHA, Presiding Officer.

[No. L-20012(319)/85-D.III(A) IR(Coal-I)]

APPENDIX

BEFORE THE PRESIDING OFFICER,
CENTRAL GOVERNMENT INDUSTRIAL
TRIBUNAL NO. II,

DHANBAD

Ref. No. 101/86

Employers in relation to the management of Pootkee Colliery of M/s. Bharat Coking Coal Limited.

AND

Their workman (represented by Rashtriya Colliery Mazdoor Sangh.)

JOINT PETITION OF COMPROMISE

The humble petition on behalf of both the parties most respectfully, Sheweth;

1. That the Central Government, Ministry of Labour, by a notification has referred the Industrial Dispute for an adjudication u/s 10(1)(d)(24) of the Industrial Dispute Act, 1947 for an adjudication, which is pending before this Hon'ble Tribunal.

2. That the parties discussed the aforesaid industrial dispute between themselves and have settled the same on the following terms and conditions :

Terms of Settlement

- (i) That Smt. Batwa Kamin and 27 others casual Wagon Loaders have been regula-

rised as permanent workman with effect from 1-1-1988 by the management of Pootkee Balihari Area DCC, and there is therefore, no subsisting dispute with regard to regularisation requiring adjudication by the Hon'ble Central Government Industrial Tribunal No. II, Dhanbad.

- (ii) That it is therefore agreed the management and the Union will jointly approach Central Government Industrial Tribunal No. II to record a no dispute Award.

- (iii) That, this settlement resolves all the disputes between the parties.

- (iv) That the settlement is fair proper.

- (v) That it was also agreed that 7 copies of the settlement be filed before the Hon'ble Industrial Tribunal and the Tribunal may be requested to pass an Award in terms of the Settlement.

It is, therefore, prayed that your honour may be graciously pleased to accept the settlement and pass an Award in terms of the settlement.

And for this act of kindness the parties shall ever pray.

Representating Workmen
Sd/-

(G. D. Pandey)

Representing Employers
Sd/-

(KMP Verma)

R.CMS.

Chief General Manager, BCCL,
P.B. Area.

Sd/-

(T. P. Jha)

Dy. Chief Personnel Manager, P.B. Area.
Sd/-

(H. R. Choudhry)

Personnel Manager, P. B. Area.

Witnesses

Illegible

Sd/-

ADVOCATE

का. आ. 2391—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार, मैसर्स डी.बी.सी. माइन्स, बमों (गिरोडोह) के प्रबंधन से सम्बन्ध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निदिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण (सं. 1) धनबाद के पंचाट को प्रकाशित करती है,

S.O. 2391.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award of the Central Government Industrial Tribunal (No. 1), Dhanbad as shown in the Annexure in the industrial

dispute between the employers in relation to the management of DVC Mines Bermo (Giridih District) and their workmen.

ANNEXURE

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL NO. I, DHANBAD.

In the matter of a reference under section 10(1)(d) of the Industrial Disputes Act, 1947.

Reference No. 31 of 1988

PARTIES :

Employers in relation to the management of
D. V. C. Mines, Bermo, P. O. Bermo,
Dt. Giridih.

AND

Their Workmen.

APPEARANCES :

For the Employers : Shri R. S. Murthy, Advocate.

For the Workmen : Shri G. Prasad, Advocate.

STATE : Bihar INDUSTRY : Coal

Dated, the 24th July, 1990

AWARD

By Order No. L-24012(103)/87-D. IV(B), dated, the 6th February, 1988, the Central Government in the Ministry of Labour, has in exercise of the powers conferred by clause (d) of sub-section (1) of Section 10 of the Industrial Disputes Act, 1947, referred the following dispute for adjudication to this Tribunal :

"Whether the demand of the DVC Karmachari Sangh, DVC Mines, Bermo, Distt. Giridih that S/Shri Het Ram and Prem Lall should be regularised as Loading Inspectors under NCWA-III, is justified ? If so, from which date in the past their present designations of Surface Sardar should be changed to Loading Inspector and with what other relief ?"

2. The case of the sponsoring union, D.V.C. Karmachari Sangh, as disclosed in the written statement submitted on behalf of the concerned workmen, details apart, is as follows :

The management of D.V.C. Mines, Bermo, Giridih has implemented the various awards made from time to time relating to the coal mines, such as, the Majumdar Award, the Appellate Tribunal Award (All India Colliery Disputes), the Arbitration Award, the Recommendations of the Coal Wage Board, the National Coal Wage Agreements Nos. I, II, III and so on and the service condition of workmen employed in the D.V.C. Mines, Bermo are governed and regulated by these awards, recommendations and agreements. The two concerned workmen are permanent workmen of the colliery having unblemish service career throughout their employment. Both of them are active members of D.V.C. Karmachari Sangh, and one of them,

Het Ram is an Asstt. Secretary and Executive Member of the aforesaid union. They have been taking up the causes of workmen with the employer which is disliked by the management, and the employer are always on the look out to harass, persecute and victimise them. The employers are also guilty of showing partiality and/or granting favour regardless of merit and have refused to regularise and promote them to the post of loading inspectors on account of their trade union activities. The work of the colliery was suffering as a result of shortage of surface sirdars. The management, by a notice No. CM/CR/656 dated 22-2-75, invited application from amongst the coal cutters in the pre-revised Coal Wage Board Scale of Rs. 180-5-210-7-273 (Technical & Supervisory Grade 'E'). The concerned workmen applied for the aforesaid post/job of surface sirdar and were selected for appointment to the said posts in the scale of Rs. 330-12-450 as revised under N.C.W.A.I. Soon after the appointment/promotion, the employer prescribed the duties and responsibilities of the surface sirdars as per letter No. CM/2/5/1447 dated 6-5-75. It will appear from the duties and responsibilities of surface sirdars as prescribed by the management that although they were designated as surface sirdars, they were put to onerous duties and saddled with heavy responsibilities which they have been discharging since then. The principal and main duties carried out by them are of supervisory character. In addition, they are required to do some clerical work which is incidental to their main supervisory work. The mere designation of "surface supervisor" cannot be decisive of the nature of employment. They along with others were taken to task for not properly supervising the work of coal loading and were directed to keep careful watch on tub-loading. Anyway, consequent upon settlement between the management and the workmen's union, R.C.M.S., they along with others were placed in Technical and Supervisory Grade 'D' in the scale of Rs. 378-18-522-23-614 with effect from 15-4-1976 by the Coal Suptt. and Agent, D.V.C. Bermo Colliery. By letter No. CM/Field/353 dated 10-1-79 and 9-4-81, the employer directed one of the concerned workmen to give direction to the loaders to load the tubs properly and to report to the employer in case of failure to carry out such direction. The duty roster of the concerned workmen changed from time to time, from quarry to tippler and vice-versa and also in underground mine. By Office Order No. CM/(P)10/81 dated 15-5-86 Het Ram, one of the concerned workmen was particularly assigned the supervisory duties of line packing work, streamlining material supply, coal belt cleaning and others. In the course of performance of their duties the concerned workmen have to do work requiring greater skill and efficiency and have to perform multifarious duties and also to maintain liaison between the loaders and the managerial staff and to submit reports etc. The duties performed by them were more and more complicated by various changes made by the management from time to time. Their work load increased and they are required to exercise greater skill and efficiency than a workman under Technical and Supervisory Grade 'D'. In fact, their duties are akin to that of Technical and Supervisory Grade 'B' i.e. Sr. Loading Suptt./Loading Inspector. They have gained experience as loading supervisor for more than 5 years and are eligible to be regularised as a workman in Technical and Supervisory Grade 'B' with effect from the date of their completion

of five years of service on 7-12-81. But the management did not promote them to the post of Technical and Supervisory Grade 'B' with mala fide intention and to victimise them. The union has asserted that all workmen under Technical and Supervisory Grade 'B', whether matriculate or otherwise have been performing the same nature of work and duty and they belong to the same cadre in coal mine and no distinction or differentiation can be made by giving preferential treatment to matriculates. Since the management was reluctant to concede to the demand of the workmen, the sponsoring union raised an industrial dispute before the A.L.C.(C), Hazaribagh by letter dated 14-7-86. The A.L.C.(C) held conciliation proceeding and in the course of conciliation proceeding the management submitted its comments taking a technical plea that there was no such post like loading supervisor in N.C.W.A. III. The union submitted its rejoinder, but ultimately the A.L.C.(C), Hazaribagh, reported failure of conciliation proceeding to the appropriate Government by letter dated 28-4-87. Since the concerned workmen have been performing the duties of higher skill and efficiency, they should be regularised with retrospective effect as loading inspector in Technical and Supervisory Grade 'B' and should be paid difference of wages. Under the Cadre Scheme for Technical and Supervisory personnel as well as cadre scheme for ministerial staff—loading personnel—a workman in Clerical Grade-II may be promoted to Technical and Supervisory Grade 'C' after putting three years service in Clerical Grade-II as per promotion policy of J.B.C.C.I. vide Implementation Instruction No. 38 dated 25-9-84. Asstt. Loading Inspector/Asstt. Loading Supdt. is eligible for promotion as loading inspector or loading Supdt. after five years experience as Asstt. Loading Inspector/Asstt. Loading Supdt. in Technical and Supervisory Grade (C). Loading Inspector has been placed in Technical and Supervisory Grade 'B' vide N.C.W.A. III—Part II—Implementation Instructions Nos. 1 to 40. Educational qualification laid down by J.B.C.C.I. does not apply to workmen who have been working as such since long before the J.B.C.C.I. circular came into force on 17-7-84 and this circular has got no retrospective effect. In the circumstances, the union has proved that the concerned workmen be regularised as loading inspector in Technical and Supervisory Grade 'B' as per N.C.W.A. III.

3. The case of the management of D.V.C. Mines, Bermo, Giridih, as disclosed in the written statement-cum-rejoinder submitted, briefly stated, is as follows :

The present reference is not maintainable either in fact or in law and the subject matter of the present dispute does not fall within the scope of Industrial dispute as defined in Section 2(k) of the Industrial Disputes Act. D.V.C. is a statutory Corporation constituted under an enactment of the Parliament for generating and distributing power both thermal and hydel in the States of Bihar and West Bengal in the area known as Damodar Valley. It is wholly financed by the Central Government. The Corporation has got thermal power houses in the State of Bihar at Bokaro and Chandrapura besides hydel power projects. These thermal power houses require coal for generation of electricity. The Corporation has a coal mine known as Bermo mine in Giridih District at a short distance

of about 15 K.Ms. from the Bokaro Thermal Power Station which supplies entire production of coal to Bokaro Thermal Power Station. The coal is transported from Bermo Mine to Bokaro Thermal Power Station by aerial ropeway. Bermo Mine is a captive mine of D.V.C. and additional requirement for coal for Bokaro Thermal Power Station is purchased from the neighbouring mines of M/s. Central Coalfields Ltd. while the coal requirements of Chandrapura power house are partly met by Central Coalfields Ltd. and partly by the Bharat Coking Coal Ltd. The D.V.C. Bermo Mine does not have railway siding for despatch of coal by rail. The coal is transported from the D.V.C. Bermo Mine to Bokaro Thermal Power Station by aerial ropeway. The post of loading inspector exists in coal mines of M/s. C.C. Ltd. and M/s. B.C.C. Ltd. who despatch coal produced in their mines by railway wagons through the sidings established adjacent to the coal mines. The railways place empty wagons of different types which is called a rake at these siding for loading of coal. The size of rake varies from time to time and from siding to siding depending on the quantity of coal available for loading and despatching by the colliery concerned and also according to the availability and allotment of empty wagons for the purpose by the railways. For ensuring the maximum utilisation of railway wagon, the railways specify the maximum loading time for wagons and if the wagons are tendered at the siding by collieries beyond the maximum period, demurrage has to be paid by the collieries to the railways. The railway sidings have piece-rated wagon loaders, wagon shunters and members of other categories of workers. The wagon loaders who run into several hundreds at a time have to be allotted wagons for loading and their work is required to be supervised. The quantum of work done by each and every wagon loader has to be recorded; wagon loaders are piece rated workers and measurement slips are issued to them for the purpose of payment of wages. Attendance of wagon loaders are also required to be recorded and entire work at the railway siding has to be coordinated and supervised. Besides, steam, slack, rubble etc. have to be separated from the run of mine of coal. They are required to be stacked separately and since this job is done by the wagon loaders, work is required to be allotted to them. These duties are done under the supervision of loading Inspector/Supervisor. Besides, the Loading Inspector/Supervisor is also required to ensure that the correct type/grade of coal is loaded into wagon according to the requirement of consumers. Labels and destination cards are required to be prepared and fixed up on each and every wagon and railway receipts are required to be prepared. All these jobs are done under the supervision of loading inspector/supervisor. The Asstt. Loading Clerk, Munshis and Loading Clerk assist the Loading Inspector in performance of their duties. The Central Coal Wage Board for the coal industry to the extent accented by the Central Government placed the Loading Supervisor/Inspector in the pay scale available to Clerks Grade-I. The same categorisation for the categories of workmen was retained by N.C.W.A.I as finalised by J.B.C.C.I. which came into force on and from 1-1-75. The management of D.V.C. is not a party to the N.C.W.A. nor is it represented on the Joint Binartite Committee for the coal industry. The D.V.C. had never committed or

agreed that it would make applicable to its workers the provision of N.C.W. A. have been made applicable by the management by issuing specific order. These related mainly to pay scale and allowances. Since the management has no railway siding for despatch of coal, there is absolutely no question of employing any worker in the capacity of loading inspector under N.C.W.A. III. D.V.C. has about 1100 workers. The production of coal is about 5000 tonnes per month and about 450 workers are surplus to requirements. The management is suffering heavy loss. The two concerned workmen were originally coal loaders in piece-rated category, who have no promotional avenue. In 1975 it was decided to give an opportunity to some of the piece-rated workers to work as surface sirdars, although there was no such post and actually there was no such requirement for such personnel. The concerned workmen were initially placed in Technical & Supervisory Grade 'E' and subsequently Technical & Supervisory Grade 'D' which is equivalent to Clerk Grade-II. Duties assigned to surface sirdars are mainly manual and they are even far inferior to duties and responsibilities required to be performed by Munshi working in the mine who are in Clerk Grade-III. Educational background of the concerned workmen is rather poor. Considering the background of the case as aforesaid, the nature of duties assigned to the concerned workmen and also keeping in view that there is no railway siding at D.V.C. Bermo Mine, there can be no question for employing any loading inspector in Group/Grade 'C' or in any other grade by the management. Even where railway siding exists and coal is despatched by railway wagons only one loading inspector is required. There can be no question for regularisation of the concerned workmen as loading inspectors. Regularisation of a workman in a post may be considered if the workman concerned worked in a higher post for substantially long period, but in the present case none of the concerned workmen has worked as loading inspector and therefore there is no question for regularising them as loading inspector.

4. In rejoinder to the written statement of the employer, the union has stated that the present dispute is an industrial dispute and that the Central Government is competent to make the present reference. It has been emphatically stated by the union that the coal in Bermo Mine is still being loaded by tipping trucks. Coal raised is brought to the surface by conveyor belt and is loaded into buckets of the aerial ropeways. There exists tippler at No. 19 pillar in underground mine and coal is unloaded at the tippler and therefrom it is carried by conveyor belt and unloaded at the ground hopper. Thereafter coal is transported by the trucks of the contractor, Siya Ram Singh. There is a conveyor belt to the second Tippler from where it is unloaded in buckets of the aerial ropeways. It has been asserted that the concerned workmen have been performing the same duties as are being performed by the loading supervisor/loading inspectors in the coal mines of M/s. B.C.C. Ltd. and M/s. C.C. Ltd. either underground or on the surface. The recommendations

of the Central Coal Wage Board, N.C.W.As. 1 to III are covered and applied to all collieries and employees in the coal industry including D.V.C. Bermo Mine. The union has reiterated in his rejoinder that the concerned workmen are entitled to be regularised as Loading Inspector/Loading Supervisor in Technical and Supervisory Grade 'B'.

5. In rejoinder to the written statement of the sponsoring union, the management has reiterated its own case and firmly denied the case of the union for regularisation of the concerned workmen as loading inspector/loading supervisor in Technical and Supervisory Grade 'B'.

6. The union has examined one of the concerned workman, namely, Het Ram as WW-1 and laid in evidence a mass of documents which have been marked Exts. W-1 to W-33/1.

On the other hand, the management has examined Sri S. K. Choudhury, Agent of Bermo Mine of D.V.C. as MW-1 and laid in evidence two items of documents which have been marked Exts. M-1 and M-2.

7. The management has contended in its written statement that the subject matter of the present dispute does not fall within the scope of industrial dispute as defined in Section 2(k) of the Industrial Disputes Act, 1947. The present industrial dispute, as discloses from the pleadings of the parties arrayed centres round the demand of the sponsoring union for regularisation of the concerned workmen in service as Loading Inspectors as per N.C.W.A. III and reputation of such demand by the employers.

Section 2(k) of the Industrial Disputes Act envisages that "industrial dispute" means any dispute or difference between employers and employers or between employers and workmen, or between workmen and workmen, which is connected with the employment or non-employment or the terms of employment or with the condition of labour, of any person. In the present case the dispute or difference is between the employer on the one hand and the workmen represented by the sponsoring union on the other hand and the dispute is connected with the employment or the terms of employment or the condition of labour. This being so, I have no hesitation to hold that the present dispute is an industrial dispute within the meaning of Sec. 2(k) of the Industrial Disputes Act. Hence, the contention of the management that the subject matter of the present dispute is not an industrial dispute within the meaning of Sec. 2(k) of the Industrial Disputes Act, 1947, is over-ruled.

8. It is the firm case of the management that D.V.C. is a statutory Corporation constituted under an enactment of the Parliament, inter-alia, for the generating and distributing power both thermal and hydel in the States of Bihar and West Bengal in the area known as Damodar Valley. This statement of fact has not been assailed by the sponsoring union in its pleading. Anyway, the management has asserted that the Corporation is entirely financed by the Central Government while the sponsoring union has emphatically stated that the Corporation is finan-

ced not only by the Central Government, but by the State Governments of Bihar and West Bengal. This controversy is not the core of controversy in the present case, Shri G. Prasad, learned Advocate for the sponsoring union, has contended that the D.V.C. is an instrumentality of the State and hence it should be inferred that the industry carried on by this Corporation is an industry carried on by or under the authority of the Central Government.

Shri R. S. Murthy, learned Advocate for the management, has countered this contention by submitting that D.V.C. has got a distinct and separate administrative apparatus for management of the Corporation and so it cannot be inferred that the industry run by this Corporation is carried on by or under the authority of the Central Government. From the mere fact that a particular Organisation is an instrumentality of the State and, therefore, answers the definition of the expression 'State' under Art. 12 of the Constitution, it cannot be said that it is an industry carried on by or under the authority of the Central Government. The Corporation is a statutory Corporation; it has got separate existence and the law recognises it as juristic person separate and distinct from the Central Government. This personality has emerged from the moment of its statutory recognition and it is guided by the statute for its function. There is nothing on evidence to indicate that the Corporation has abrogated or lost its personality by any Act, proximate or remote, of the Government.

9. Shri G. Prasad, learned Advocate, has contended further that since the Corporation is a creature of the statute and a public welfare Organisation, it is bound by the Central Coal Wage Board Recommendations for the Coal Mining Industry and the N.C.W.As. I to III.

Shri R. S. Murthy has contended that the Corporation did not see the light of the world when the Central Coal Wage Board Recommendation was effected in 1967 and that the Corporation was not a party to the N.C.W.A. nor was it represented on Joint Bipartite Committee for the Coal Industry.

Indeed, the Corporation came into being long after the Central Coal Wage Board Recommendations were made effective. There is no evidence to indicate that the then authorities of Bermo Mines accepted and adopted the recommendations of the Central Coal Wage Board. Admittedly, D.V.C. or its Bermo Mine is not a party to the N.C.W. As. I to III nor is it represented by the Joint Bipartite Committee for the coal industry.

10. Shri G. Prasad, learned Advocate, has contended that since D.V.C. is a welfare Organisation and creature of statute and is financed by the Central Government as well by the State Government of Bihar and West Bengal, it should be presumed that the Corporation has adopted N.C.W. As which have been arrived at for the benefit and welfare of the workmen of the industry and for the industrial growth. He has submitted also that the Government of India by a Press Release dated

14-8-73 approved the setting up of the Joint Bipartite Negotiation Committee for the coal industry as a whole and this being the position, Bermo Mine of D.V.C. cannot be an exception to N.C.W.A.

Shri R. S. Murthy has contended that the agreements cannot be imposed upon a party which is not a party to such agreements.

I have already pointed out that there is no evidence that the recommendations of the Central Coal Wage Board for the coal mining industry were adopted, accepted and implemented by the Bermo Mine, now, admittedly, a captive mine of D.V.C. By Press Release dated 14-8-73 the Government approved the setting up of the Joint Bipartite Negotiation Committee for the Coal Industry as a whole. But the management of D.V.C. or the Bermo Mine was not represented on Joint Bipartite Negotiation Committee. The agreement was ultimately arrived at by and between the parties to such agreement. But the D.V.C. or the management of Bermo Mine was not a party to the agreement. The parties to the agreement are bound by such agreement and a third party cannot be bound by such agreement unless that party adopted such agreement. It has been asserted by the management that the D.V.C. never committed or agreed that N.C.W.A. would be made applicable to its workers or extend the benefit of such agreement to its workers. But nevertheless, the management has admitted that certain selected provisions of the agreement have been made applicable by the management to its workers by specific orders issued by the Head Office of the Corporation at Calcutta and that the management of D.V.C. made applicable to the workmen of Bermo Mine the pay scale, and allowances laid down in N.C.W.A. III. The sponsoring union has disputed this position and since the union has to establish its demand it has to prove by adducing cogent evidence that the management of D.V.C. has adopted N.C.W.A. III and extended its benefit to its workers of Bermo Mine.

11. The case of the sponsoring union is that the management has implemented the various awards made from time to time relating to coal mines such as, Majumdar Award, Labour Appellate Tribunal Award (All India Colliery Disputes), Arbitration Award, the Recommendations of the Coal Wage Board and National Coal Wage Agreement Nos. I to III and so on and the service conditions of the workmen employed in D.V.C. Bermo Mine are covered and regulated by these awards, recommendations and agreements. The management has contended that the D.V.C. was not a party to N.C.W. As and that it has adopted for its mine at Bermo certain selected provisions of N.C.W.A's and extended the benefit thereof to the workmen of Bermo Mine. The management has asserted is not represented on Joint Bipartite Committee for the coal industry and hence N.C.W. As are not bound on D.V.C. It has been stated by the management that only those recommendations of Central Coal Wage Board which were accepted by the Central Government were implemented and that

the D.V.C. had implemented the Majumdar Award, Labour Appellate Tribunal Award and Arbitration Award, but defence to those awards in the present dispute is irrelevant.

Thus, it is the admitted position that the D. V.C. implemented the Majumdar Award, Arbitration Award and Labour Appellate Tribunal Award (All India Colliery Disputes). MW-1 S. K. Choudhary, now working as Agent of D. V. C. Bermo Mine, has admitted that the management implemented the Majumdar Award, Labour Appellate Tribunal Award and Arbitration Award in the colliery. He has further stated that the Central Coal Wage Board Recommendations came into being 1967 and the management implemented some of the provisions contained therein. I have already pointed out that the D. V. C. did not see the light of the world when Central Coal Wage Board Recommendations came into being. However, the admitted fact remains that the management implemented some of the provisions contained therein. Shri Choudhary has asserted that D.V.C. is not a member of Joint Bipartite Committee, that it never implemented all the provisions of N. C. W. As and that some of the provisions of N. C. W. As, such as, wages and allowances etc. have been implemented as per direction of the Head Office, Calcutta. The testimony of Shri Choudhary in this respect is inconformance to the case of the management in its written statement.

W.W. 1 Het Ram, one of the concerned workmen, has stated that all workmen and staff of D. V. C. Bermo Mine have been getting their wage as per N.C.W.As I, II & III. He has asserted that the management has changed the designation of some staff as per N. C. W. A. III and he pointed out to such change of designation in his evidence by referring to Exts. W-19 and W-25 to W-25/3. These documents, no doubt, indicate that the management changed the designation of some categories of staff inconformance with N. C. W. A. III. Furthermore, it is also borne and that the management has implemented the wage structure for the staff as per N. C. W. A. III. MW-1 S. K. Choudhary has not shied away from this position; he has admitted that the management has implemented the provisions of N. C. W. A. relating to wages and allowances. But these evidence do not by themselves indicate that the management of D. V. C. Bermo Mine has implemented the N. C. W. As particularly N. C. W. A. III in toto. These documents and evidence of the witnesses indicate that the management changed the designation of certain categories of staff inconformance with the N. C. W. A. III and changed the wage pattern of the staff as per N. C. W. As.

11. From this conclusion it cannot be automatically inferred or presumed that the management has adopted or accepted the entire frame work of staff pattern as per N.C.W. As particularly N.C.W.A. III. The sponsoring union has claimed the designation and post of Loading Inspector>Loading Supervisor as per N.C.W.A. and the wage structure of this category of workmen in Technical and Supervisory Grade 'B'. Unfortunately, this Tribunal has

got no authority to direct the management to create the post of Loading Inspector>Loading Superintendent since there is no evidence that the management has adopted the N. C. W. A. in toto including creation of new post, such as, Loading Inspector>Loading Superintendent which admittedly does not exist in Bermo Mine. But the concerned workmen, in my view, are entitled to get the scale of pay as admissible to Loading Inspector>Loading Superintendent as per N.C.W.A. since the management has adopted and accepted the wage scale and allowances of the staff as per N.C.W. As provided the concerned workmen performed the job of Loading Inspector>Loading Superintendent. WW-1 Het Ram has admitted in his testimony that Bermo Mine consists of one quarry and one underground mine and that the D.V.C. has got only one colliery. It is the case of the management that Bermo Mine is a captive mine of the Corporation. Het Ram (WW-1) has admitted that the entire coal raised from this colliery is utilised for Bokaro Thermal Power Station. It has not been denied by the sponsoring union that the Bermo Mine is the captive mine of the Corporation.

Admittedly, the concerned workmen were earlier working as miner/loaders in piece-rated category in Bermo Mine. It appears that the management by notice dated 22-2-75 invited application from coal cutters for the post of Surface Sirdars in pre-revised Wage Board scale of Rs. 180-5-210-7-273 and the notice envisaged that the main qualification for the post was that the candidate should be able to exercise control over the coal cutters and loaders and to explain the views, idea and policies of the management to the coal cutters and loaders to optimise production and to avoid day to day petty incident (Ext. W-1). Admittedly, the concerned workmen applied for the post and were selected and appointed to the post of Surface Sirdars in the scale of Rs. 330-12-450 per month basic (revised scale) with effect from the date mentioned against their names i.e. with effect from 15-4-1975 (Ext. W-2). Het Ram (WW-1) has asserted that their scale of pay was fixed as per Technical Grade 'E' as per N. C. W. A. I. It appears that by an agreement between the management and the union (R.C.M.S.) before A.L.C.(C), Hazaribagh both the concerned workmen were placed in Technical and Supervisory Grade 'D' on a scale of pay of Rs. 378-614 with effect from 15-4-76 (Ext. W-6). Admittedly, the concerned workmen have remained on this scale till now and they are claiming Technical and Supervisory Grade 'B' in consideration of their duties and responsibilities.

12. It is worthwhile now to consider grading of staff as per Coal Wage Board Recommendations and N.C.W.A. III. As per Central Coal Wage Board Recommendations Loading Inspectors and Loading Superintendents were graded on a scale of pay of Grade-I Clerk and Loading Clerks were graded on a scale of pay of Grade-II Clerk. As per Implementation Instruction No. 34 dated 17-7-84 issued in connection with N.C.W.A. III Loading Clerks have been retained on Clerical Grade-II, Asstt. Loading Inspector/Asstt. Loading Superintendent in Technical & Supervisory Grade 'C' which is comparable to the Clerical Grade-I and Loading Inspector>Loading

Superintendent on Technical & Supervisory Grade 'B' which is comparable to Clerical Special Grade. No job descriptions for the Loading Inspector>Loading Superintendent and Loading Clerks have been provided in N.C.W.As. Furthermore, no job description has been provided in N.C.W.A. III or in any N.C.W.As in respect of Asstt. Loading Clerks, Asstt. Loading Inspector|Asstt. Loading Superintendent and Loading Inspector>Loading Superintendent.

13. This being the evidence, we shall have to explore from the evidence as to what are the job descriptions of Loading Inspector>Loading Superintendent.

14. The case of the management is that the requirements for the post of Loading Inspector>Loading Superintendent arise in Organisations, such as, M/S. C. C. Ltd. and M/S. B. C. C. Ltd. which despatch coal produced from their mines by railway wagons through railway siding established adjacent to the coal mines. This statement of fact has not been accepted by the sponsoring union; it has been contended by the sponsoring union that the requirement for such posts exists where the mine has no railway siding, but coal is loaded into tipping tracks. In particular, the sponsoring union has stated that in Bermo Mine the coal raised is brought to the surface by conveyor belt, loaded in tipping trucks and carried to the point of serial ropeway where the same is loaded into buckets.

MW-1 S. K. Choudhury, is now posted as Agent of D. V. C. Mine, he has stated that prior to his joining D. V. C. Bermo Mine he worked in the office of Chief Mining Adviser, Railway Board as Loading Supervisor, and as Loading Supervisor it was his duty to look after the quality and quantity of coal despatched to railways by collieries and that in the course of his duty he had had occasion to see the different railway sidings of different collieries in Jharia and Raniganj belt and that at that time he had occasion to see the duties performed by Loading Supervisors of collieries were incharge of the entire railway siding of the collieries and all arrangements in connection with the loading of coal were supervised by them and that they were responsible for placement of wagons at the railway. He has further stated that Loading Supervisors were to make arrangement for deployment of wagon loaders and sort out their duties and to look after quantity and quality of coal loaded in railway wagons. According to him the Supervisors were responsible for loading of the wagons in time to avoid demurrage and Clerical and other staff were working under them. He has testified that wagon loaders are piece-rated workers and it is necessary to measure the work done by the wagon loaders and that was done by the staff under Loading Supervisors. This statement of Shri Choudhury has remained unassailed in cross-examination. Thus, it appears that the Loading Supervisors>Loading Inspectors are incharge of entire railway siding and all arrangements in connection with loading of coal including placement of wagons after allotment quantity and quality loaded in railway wagons are supervised by them. Het Ram (WW-1) has stated that consequent upon their promotion as Surface Sirdars the management underlined their duties by document marked Ext. W-3 and that their duties included over-seeing loading of tubs by the

miners/loaders and supervise that stone particles are not included in the loaded tubs and that they are required to see that big chunks of coal are broken into pieces and thereafter loaded into tubs. According to him, they are required to report to the superior any bad loading of coal by the miners/loaders. The duties and responsibilities of Surface Sirdars as outlined in Ext. W-3 dated 6-5-76—Ext. M-1 is as follows :

“For Band Section.

(1) To see that no employees (not even the wives of sanda workers) take coal from the working faces.

(2) To see that workers come in time and do not leave the mines before the end of their shift.

(3) To see that workers finish their allotted work and in case they had not completed the allotted work, then senior supervisory staff of band section should be informed for their taking necessary action.

(4) In case, there are chances that uncleared band and stones will be loaded by coal cutters in tubs, then Surface Sirdars of coal sections should be shown such places and on the following day, it should be checked whether uncleared material is still there or had been loaded by miners.

(5) To see that dumping is being done at places specified by senior staff or officers.

(6) When embankments for laying tracks are being made and if there are chances that miners will load packing material, then Surface Sirdar of coal section should be cautioned and on the following day it should be checked.

(7) To see that no unauthorised person comes in mines and work in band section.

Coal Section—(Opencast Mine)

(1) Distribution of tubs—To see that tubs are distributed in such a way that the question of daily wage review does not arise. Further, there should not be much difference in total tubs loaded by different pairs and sandas. This also applies for reloading of tubs.

(2) To see that tubs (including reload tubs) are fully loaded.

(3) To see that stones, shale, matti, line-packing, etc., are not loaded in tubs.

(4) If cautioned by Surface Sirdar of Band Section, to take special care to see that left over band, etc., are not loaded by miners.

(5) To keep an account and record of tubs (section wise and line wise), received at the beginning of the shift, tubs hauled out during the shift and tubs left at the end of the shift.

(6) To keep an account and record of derailed tubs and tubs reloaded (section wise).

(7) To see that non-employees (not even the wives of sanda workers) take coal from mines.

(8) To see that unauthorised workers do not come to work in the mines.
Coal Section (underground mine).

Duties nos. 1, 2, 3, 5, 6 & 8 of Surface Sirdars of opencast mine and in addition.

- (1) Workers do not smoke inside the mines;
 - (2) Pillars are not robbed.
- General instructions.

(1) Surface Sirdars should explain the ideas and policies of management to the workers and should get them implemented.

(2) They should find out the genuine complaints of the workers and should bring to the management for redress.

(3) They should help the management in stopping all such malpractices by which a very few are benefited and both the workers and management are put to loss.

(4) They should remain in the mines throughout the shift and should give the charge to the incoming Surface Sirdar.

(5) They should record all the happenings of their shift in a note book and should show it and get it signed by Mines Manager or Sri R. B. Goswami—Asstt. Mines Manager (in respect of OB and opencast Mine) and by Sri Singhal and Sri Biswas (in respect of underground mines). Coal Supdt. & Agent will also check these reports occasionally.

If found necessary, additional duties and responsibilities will be assigned to them from time to time."

It appears that Het Ram (WW-1) was transferred to general shift and the management outlined his duty by memo dated 15-5-86 (Ext. W-9) which runs as follows :

- "(1) You will work daily under the General Shift Overman as duties assigned by him and A.M.M's.
- (2) Your particular attention will be supervision of line packing work, stemming material supply.
- (3) Supervision of supply of materials in U/G from surface.
- (4) Belt coal cleaning and loading work."

From the duty chart as outlined by the management in Ext. M-1—W-3 and Ext. W-9 and from the evidence of Het Ram it is not established at all the concerned workmen were required to make all arrangements in connection with the loading of coal including placement of wagons/trucks, deployment of wagon loaders and to sort out their duties and to look after the quantity and quality of coal loaded in trucks and to maintain time schedule for such loading. I have already stated that S. K. Choudhury (MW-1) has outlined the duties of Loading Inspectors/Loading Superintendents in his evidence which has remained unassailed. Besides, his testimony with regard to the outlined duties of Loading Inspectors/Loading Super-

intendents is in agreement with that of the written statement of the management. The concerned workmen have not been performing the duties of Loading Inspector/Loading Superintendent as outlined by Shri Choudhury (MW-1). That being so, they are not entitled to claim the scale of pay of Loading Inspector/Loading Superintendent in Technical and Supervisory Grade 'B'.

15. In view of the conclusion arrived at by me upon evidence on record, I have to hold that the sponsoring union has failed to establish its demand in respect of the concerned workmen for their regularisation as Loading Inspector/Loading Superintendent in Technical and Supervisory Grade 'B' as per NCWA-III.

16. Accordingly, the following award is rendered—the demand of the D. V. C. Karmachari Sangh, D. V. C. Mines, Bermo, Dist. Giridih for regularisation of the concerned workmen, S/Shri Het Ram and Prem Lall as Loading Inspectors/Loading Superintendents in Technical and Supervisory Grade 'B' as per N. C. W. A. III is not justified.

In the circumstances of the case, I award no cost.

S. K. MITRA, Presiding Officer

[No. L-24012/103/87-D. IV(B)/IR(Coal)-I]

नई दिल्ली, 24 अगस्त, 1990

का.आ. 2392:—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार, मैसर्स सेंडरा बॉसजोरा ओपन कास्ट प्रोजेक्ट सिजुआ एरिया-5, भारत कोकिंग कोल लिमिटेड के प्रबंधन से सम्बद्ध नियोजकों और उनके कर्मचारियों के बीच, अनुबंध में निविष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण (सं. 2) घनवाद के पंचपट को प्रकाशित करती है, जो केन्द्रीय सरकार को 20-8-90 को प्राप्त हुआ था।

New Delhi, the 24th August, 1990

S.O. 2392.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award of the Central Government Industrial Tribunal (No. 2), Dhanbad as shown in the Annexure in the industrial dispute between the employers in relation to the management of Sendra Bansjora Open Cast project, Sijua Area-V of Bharat Coking Coal Limited and their workmen which was received by the Central Government on the 20-8-90.

ANNEXURE

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL (NO. 2) AT DHANBAD

PRESENT :

Shri I. N. Sinha, Presiding Officer.
Reference No. 170 of 1987

In the matter of an industrial dispute under
Section 10(1)(d) of the I.D. Act, 1947.

PARTIES :

Employers in relation to the management of
Sendra Bansjora Open Cast Project, Sijua
Area-V of Bharat Coking Coal Limited and
their workmen.

APPEARANCES :

On behalf of the workmen.—Shri S. Bose, Secy.,
R.C.M.S.

On behalf of the employers.—Shri G. Prasad,
Advocate.

STATE : Bihar

INDUSTRY : Coal

Dhanbad, the 9th August, 1990

AWARD

The Government of India, Ministry of Labour in
exercise of the powers conferred on them under Section
10(1)(d) of the I.D. Act, 1947 has referred the
following dispute to this Tribunal for adjudication vide
their Order No. L-24012(158)/86-D.IV(B), dated,
the 18th June, 1987.

SCHEDULE

“Whether the demand of Rashtriya Colliery
Mazdoor Sangh to place Shri Rajendra Singh,
Assistant Foreman of Sendra Bansjora
Colliery Open Cast Project in Technical
Grade B with effect from 3-12-1983 is justi-
fied? If so, to what relief the workman is
entitled?”

In this case instead of filing W.S. both the parties
appeared before me and filed a petition of compromise.
I heard both the parties on the said petition of com-
promise and I do find that the terms contained therein
are fair, proper and beneficial to both the parties.
Accordingly I accept the same and pass an Award in
terms of the petition of Compromise which forms part
of the Award as Annexure.

I. N. SINHA, Presiding Officer

[No. L-24012(158)/86-D.IV(B)/IR(Coal-I)]

APPENDIX

BEFORE THE PRESIDING OFFICER, CENTRAL
GOVERNMENT INDUSTRIAL TRIBUNAL NO. 2
DHANBAD

Reference No. 170/87

PARTIES :

Employers in relation to the management of
Sendra Bansjora Colliery, Sijua Area of M/s.
BCCL

AND

Their workmen.

The humble petition of compromise on behalf of
the parties, most respectfully sheweth :—

1. That, the Central Government by a Notification
has referred the instant industrial dispute for an ad-
judication U/S 10(1)(d)(2A) of the Industrial Dis-
putes Act, 1947 to this Hon'ble Tribunal. The Sche-
dule of the reference is reproduced below :—

SCHEDULE

“Whether the demand of the Rashtriya Colliery
Mazdoor Sangh to place Shri Rajendra, Asstt.
foreman of Sendra Bansjora Colliery open
cast project in Tech. Grade-'B' w.e.f.
3-12-1983, is justified? If so to what relief
the workman is entitled?”

That, the parties discussed the dispute outside the
court and have settled the said dispute on the following
terms and conditions.

TERMS AND CONDITIONS

1. That it was agreed that Sri Rajendra Singh has
died and his dependent has already drawn the dues
etc. as such the union is not interested to pursue the
case any further. Hence, the case should be closed.

2. That this settlement resolves all the disputes
between the parties and the dependent of workman
concerned shall have no claim whatsoever.

3. That, it was also agreed that seven copies of
this settlement should be filed before the Hon'ble
Tribunal and the Hon'ble Tribunal may be requested
to give an award in terms of the settlement.

It is, therefore, prayed that your honour may be
graciously pleased to accept the settlement and pass
an award in terms of the settlement.

And for this act of kindness the parties shall ever
pray.

Representing workmen.

(1) Sd/- (illegible)

(2)

Representing Employer

(1) Sd/- (illegible)

(2) Sd/- (illegible)

Workmen.

Witness

(1)

(2)

Advocate

Sd/- (Illegible)

नई दिल्ली, 27 अगस्त, 1990

का.मा. 2393:—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अन्तर्गत से, केन्द्रीय सरकार, मैसर्स भारत कोक कोल लि. की बेनीडीह कोलियरी के प्रबंधन से सम्बद्ध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निविष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण (सं. 1), धनबाद के पंचपट को प्रकाशित करती है, जो केन्द्रीय सरकार को 16-8-90 को प्राप्त हुआ था।

New Delhi, the 27th August, 1990

S.O. 2393.—In pursuance of section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award of the Central Government Industrial Tribunal (No. 1), Dhanbad as shown in the Annexure in the industrial dispute between the employers in relation to the management of Benidih Colliery of Messrs. Bharat Coking Coal Limited and their workmen, which was received by the Central Government on the 16-8-90.

ANNEXURE

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL NO. 1, DHANBAD.

In the matter of a reference under section 10(1)(d) of the Industrial Disputes Act, 1947.

Reference No. 133 of 1989.

PARTIES :

Employers in relation to the management of M/s. B.C.C. Ltd., Benidih Colliery.

AND

Their Workmen.

PRESENT :

Shri S. K. Mitra,
Presiding Officer.

APPEARANCES :

For the Employers : Shri B. Joshi, Advocate.
For the Workmen : Shri S.N. Goswami, Advocate.

STATE : Bihar. INDUSTRY : Coal.
Dated, the 30th July, 1990.

AWARD

The present reference arises out of Order No. L-20012/158/89-I.R. (Coal-1), dated the 25th October, 1989 passed by the Central Government in respect of an industrial dispute between the parties mentioned above. The subject matter of the dispute has been specified in the schedule to the said order and the said schedule runs as follows :

“Whether the management of M/s. Bharat Coking Coal Ltd. in relation to Benidih Colliery is justified in superannuating the workman late Bhagwan Singh Ex-Tyndal from service w.e.f. 31-1-1988 and denying the employment to the dependent Smt. Kulali Devi W/o Late Bhagwan Singh?”

2. The dispute has been settled out of Court. A memorandum of settlement has been filed in Court.

I have gone through the terms of settlement and I find them quite fair and reasonable. There is no reason why an award should not be made on the basis of terms and conditions laid down in the memorandum of settlement. I accept it and make an award accordingly. The memorandum of settlement shall join part of the award.

3. Let a copy of this award be sent to the Ministry as required under section 15 of the Industrial Disputes Act, 1947.

S. K. MITRA, Presiding Officer
[No. L-20012(158)/89-IR (Coal-I)]

APPENDIX

BEFORE THE PRESIDING OFFICER, CENTRAL GOVT. INDUSTRIAL TRIBUNAL NO. 1,

AT DHANBAD.

Reference No. 133/89.

Employers in relation to the Management of BCCL, Benidih Colliery.

AND

Their Workmen.

PETITION OF COMPROMISE

The humble petition on behalf of the parties to the above reference most respectfully sheweth :—

1. That, the above dispute has been amicably settled between the parties on the following terms :—

TERMS OF SETTLEMENT

(a) That as a Special Case Smt. Dulali Devi W/o Late Bhagwan Singh may be offered employment as Casual Wagon Loader subject to production of proper identification that she is wife of Late Bhagwan Singh with her duly attested photograph.

(b) That the dispute relating to prematured superannuation of Late Bhagwan Singh is hereby dropped and will not be taken up in future.

2. That in view of the above settlement, there remains nothing to be adjudicated.

Under the facts and circumstances stated above, the Hon'ble Tribunal will be graciously pleased to accept the settlement as fair and proper and be pleased to pass the Award in terms of the settlement.

For the Workman

L. T. I. of Smt. Dulali Devi,

(Dulali Devi)

Concerned lady.

(K. B. Singh),

Area President,

RCMS, Block-II Area Committee.

Basudeo Sarkar,
Branch Secretary, RCMS,
Benidih Colliery.

Witnesses

- (1) (G. P. Sinha, Clerk).
(2) Jagdish Kumar, Clerk).

For the Employers
(N. C. Nirula)

Chief General Manager
Block-II Area
(N. K. Sharma),
Personnel Manager

का.आ. 2394.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार, मैसर्स भारत कोकिंग कोल लि. के कुसुन्दा क्षेत्र सं. 6 के प्रबंधन से सम्बद्ध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निदिष्ट औद्योगिक विवाद में केन्द्रीय सरकार, औद्योगिक अधीकरण (सं. 2) को, धनबाद के पंचपट को प्रकाशित करती है,

S.O. 2394.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award of the Central Government Industrial (No. 2), Dhanbad as shown in the Annexure in the industrial dispute between the employers in relation to the management of Kusunda Area No. VI of Messrs, Bharat Coking Coal Limited and their workmen

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL (NO. 2) AT DHANBAD.

Reference No. 3 of 1989

In the matter of an industrial dispute under Section 10(1)(d) of the I.D. Act, 1947.

PARTIES :

Employers in relation to the management of Kusunda Area No. VI of M/s. Bharat Coking Coal Limited and their workmen.

APPEARANCES :

On behalf of the workmen : Shri S. Bose, Secretary, R.C.M.S. Union.

On behalf of the employers : Shri B. Joshi, Advocate.

STATE : Bihar.

INDUSTRY : Coal.

Dhanbad, the 3rd August, 1990

AWARD

The Govt. of India, Ministry of Labour in exercise of the powers conferred on them under Section

10(1)(d) of the I.D. Act, 1947 has referred the following dispute to this Tribunal for adjudication vide their Order No. L-20012-(97)/87-D.III(A), dated, the 4th November, 1987.

SCHEDULE

"Whether the action of the management of Kusunda Area No. VI of M/s. BCCL, P.O. Kusunda, Distt. Dhanbad in reverting Shri U. S. Trivedi Clerk Grade-1 of Kusunda Opencast Project Dhanbad to the post of Clerk Grade II w.e.f. 29-8-1986 is justified? If not, to what relief is the workman entitled?"

In this case only the workmen filed his W. S. Thereafter several adjournments were granted to the employers for filling his W.S. Ultimately when the case was fixed for ex parte evidence of the workmen, both the parties appeared before me and filed a petition of compromise. I heard both the parties on the said petition and I do find that the terms contained therein are fair, proper and beneficial to both the parties. Accordingly I accept the same and pass an Award in terms of the petition of compromise which forms part of the Award as Annexure.

I. N. SINHA, Presiding Officer

[L-20012(97)/87-D.III(A)] [IR(Coal-I)]

ANNEXURE

BEFORE THE PRESIDING OFFICER, CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL
NO. II AT DHANBAD.

Ref. Case No. 3/89.

Employers in relation to the management of

Dhan/KOCP.

AND

Their workmen

Petition of compromise

The humble petitioner on behalf of the parties to the above reference most respectfully sheweth :—

1. That the above dispute has been amicably settled on the following terms :—

Terms of settlement

(a) That the concerned workman Sri US Trivedi will be deemed to have been promoted from clerical Gr. II to clerical Gr. I with effect from 29-6-88. His basic on 1-7-89 will be fixed taking into consideration his promotion on 29-6-88. His final fixation of basic in Gr. I will be done on 1-7-90 when his due date of annual increment will fall.

(b) That the excess amount drawn by him on account of his irregular promotion from Gr. II to Gr. I in 1983 under mistake will not be realised from him and he will not claim any other benefit by way of difference

of wages on account of this promotion.
(c) That this settlement finally resolves all disputes relating to promotion of the concerned workman.

2. That in view of the above settlement there remains nothing to be adjudicated.

Under the facts and circumstances stated above, the Hon'ble Tribunal will be graciously pleased to accept the terms of settlement as fair and proper and be pleased to pass the Award in terms of the settlement.

For the workmen

1. (Illegible).

2. Umashanker Trivedi

For the Employers

1. (R. K. Gupta) GM.

2. (S. P. Singh) AM.

Witness

1. Jagdish Singh.

2.

नई दिल्ली, 29 अगस्त, 1990

का. अ. 2395.— औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार, मैसर्स भारत कोकिंग कोल लिमिटेड की माउथ गोविंदपुर कोलियरी के प्रबंधन में संबंधित नियोजकों और उनके कर्मचारियों के बीच, अनुबंध में निहित औद्योगिक विवाद में केन्द्रीय सरकार की धारा 17 अधिनियम, (सं. 2) धनवाद के पंचाट को प्रकाशित करती है, जो केन्द्रीय सरकार को 20-8-90 को प्राप्त हुआ था।

New Delhi, the 29th August, 1990.

S.O. 23 5.—In pursuance of section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government Industrial Tribunal (No. 2) Dhanbad, as shown in the Annexure in the industrial dispute between the employers in relation to the management of South Govindpur Colliery of M/s. Bharat Coking Coal Limited and their workmen, which was received by the Central Government on the 20-8-90.

ANNEXURE

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL (NO. 2) AT DHANBAD PRESENT :

Shri I. N. Sinha Presiding Officer.

Reference No. 286 of 1987

In the matter of an industrial dispute under Section 10(1)(d) of the I.D. Act, 1947.

PARTIES :

Employers in relation to the management of South Govindpur Colliery of M/s. Bharat
2291 GI/90

Coking Coal Limited, P.O. Sonardih, Distt. Dhanbad and their workmen.

APPEARANCES :

On the behalf of the workmen : Shri D. Mukherjee, Secretary, Bihar Colliery Kamgar Union.

On behalf of the employers : Shri R. S. Murthy, Advocate.

STATE : Bihar.

INDUSTRY : Coal.

Dhanbad, the 9th August, 1990

AWARD

The Govt. of India, Ministry of Labour in exercise of the powers conferred on them under Section 10(1)(d) of the I. D. Act, 1947 has referred the following dispute to this Tribunal for adjudication vide their Order No. L-20012(85)87-D. III(A), dated, the 16th October, 1987.

SCHEDULE

"Whether the demand of Bihar Colliery Kamgar Union (CITU) Dhanbad or regularisation of Shri Shekh Farid, Mohd. Asim, Idrish Mian and Ali Md. Mian, Miners/loaders of South Govindpur Colliery of M/s. BCCL, P. O. Sonardih, Distt. Dhanbad in time rated job in their respective categories with protection of their Group V A wages is justified ? If so, to what relief the workmen are entitled to ?"

In this case both the parties appeared and filed their respective W. S. documents. Subsequently at the stage of evidence both the parties appeared before me and filed a petition of compromise. I heard both the parties on the said petition of compromise and I do find that the terms contained therein are fair, proper and beneficial to both the parties. Accordingly I accept the same and pass an Award in terms of the petition of compromise which forms part of the Award as Annexure.

I. N. SINHA, Presiding Officer,

[No. L-20012(85)87-D.III(A)|IR.(Coal-I)]

ANNEXURE

BEFORE THE PRESIDING OFFICER CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL NO. 2 AT DHANBAD.

In the matter of Ref. No. 286/1987.

PARTIES :

Employers in relation to the management of South Govindpur Colliery of M/s. Bharat Coking Coal Limited, P.O. Sonardih, Distt. Dhanbad,

AND

Their Workmen.

Petition of Compromise

The humble petition on behalf of the parties to the above reference most respectfully sheweth :—

1. That, the Central Govt. notification No. L-20012(85)/87-D.III(A) dated 16-10-87 has been pleased to refer the present dispute to the hon'ble Tribunal for adjudication on the issue contained in the schedule of reference which is reproduced below :—

"THE SCHEDULE"

"Whether the demand of the Bihar Colliery Kamgar Union(CITU), Dhanbad for regularisation of S/Shri Sekh Farid, Md. Yashin, Idrish Mia and Ali Md. Mia Miner/Loader of South Govindpur Colliery of M/s. BCCL, P.O. Sonardih, Distt. Dhanbad in time rated job in their respective categories with protection of their group VA wages is justified. If so, to what relief the workmen are entitled to?"

2. That, the dispute has been amicably settled between the parties on the following terms and conditions.

TERMS OF SETTLEMENT

- (a) That, the concerned workmen namely S/Shri Sekh Farid, Md. Yashin, Idrish Mia and Ali Md. Mia shall be placed in Cat. I with one increment in lieu of protection of wages from the date of their regularisation. Their basic will be notionally fixed with one increment as on that day i.e. Nov. 1983 and subsequent notionally fixation by the following annual increment as per NCWA in force in time to time.
- (b) That, the concerned workmen will get benefit (wages) of notionally fixation with effect from 1-1-1990.
- (c) That in view of the aforesaid settlement there remains nothing to be adjudicated.

Under the facts and circumstances stated above the Hon'ble Tribunal will be graciously pleased to accept the settlement as fair and proper and be pleased to pass the Award in terms of settlement.

For the workmen :

Sd/- (R. N. Singh)
Vice President,
Bihar Colliery Kamgar Union.

For the employers :

Sd/- (S. N. P. Rai)
General Manager
Sd/- (S. P. Singh)
Personnel Manager

Witnesses :

1. Sd/- Illigible
2. Sd/- Illigible

Bihar Colliery

का.आ. 2396 :—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार मैसर्स भारत कोकिंग कोल लि. की गोदुडीह कोलियरी के प्रबन्धन में सम्बद्ध नियोजकों और उनके कर्मचारियों के बीच, अनुबन्ध में निम्नलिखित औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण (स. 2) धनबाद के पंचपट को प्रकाशित करती है, जो केन्द्रीय सरकार को 17-8-90 को प्राप्त हुआ था।

S.O. 2396.—In pursuance of section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award of the Central Government Industrial Tribunal (No. 2), Dhanbad as shown in the Annexure in the industrial dispute between the employers in relation to the management of Gondadih Colliery of M/s. Bharat Coking Coal Limited and their workmen, which was received by the Central Government on the 17-8-90.

ANNEXURE

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL (NO. 2) AT DHANBAD PRESENT :

Shri I. N. Sinha, Presiding Officer.
REFERENCE NO. 25 OF 1988

In the matter of an industrial dispute under Section 10(1)(d) of the I.D. Act, 1947.

PARTIES :

Employers in relation to the management of Gondadih Colliery of Messrs. Bharat Coking Coal Limited and their workmen.

APPEARANCES

On behalf of the workmen—Shri S. Bose, Secretary, R.C.M.S.

On behalf of the employers—Shri G. Prasad, Advocate.

STATE : Bihar. INDUSTRY : Coal.

Dhanbad, the 6th August, 1990.

AWARD

The Govt. of India, Ministry of Labour in exercise of the powers conferred on them under Section 10(1)(d) of the I.D. Act, 1947 had referred the following dispute to the then Central Govt. Industrial Tribunal No. 3, at Dhanbad vide Ministry's Order No. L-20012(46)/84-D.III(A), dated the 2nd July, 1984. Subsequently vide Ministry's Order No. S-11025/7/87-D.IV(B) dated the 31st December, 1987 the said reference was transferred from Central Govt. Industrial Tribunal No. 3, Dhanbad to this Tribunal.

THE SCHEDULE

"Whether the action of the management of Gondadih Colliery of Messrs. Bharat Coking Coal Limited, Kusunda, Distt. Dhanbad in not regularising Shri Deo Nandan Beldar as Night Guard and stopping his work with effect from 3-10-1983.

is justified? If not, to what relief the workman concerned is entitled?"

In this case both the parties appeared and filed their respective W.S. documents etc. Thereafter the case proceeded along its course. Subsequently at the stages of evidence both the parties appeared before me and filed a Joint Compromise petition. I heard both of them on the said petition of compromise and I do find that the terms contained therein are fair, proper and beneficial to both the parties. Accordingly I accept the said petition of compromise and pass an Award in terms of the Joint Compromise petition which forms part of the Award as Annexure.

I. N. SINHA, Presiding Officer,

[No. L-20012(46)/84-DIII(A)/IR(Coal-1)]

ANNEXURE

BEFORE THE PRESIDING OFFICER, CENTRAL
GOVERNMENT INDUSTRIAL TRIBUNAL
NO. 2, DHANBAD.

Ref. No. 25/88

Employers in relation to the management of
Gondudih Colliery of M/s. B.C.C.L.

And

Their workmen (Represented by Rastriya Col-
liery Mazdoor Sangh.

Joint Petition of Compromise on behalf of the Parties.

The numble Petition on behalf of the Parties ;
most respectfully shetwh :—

1. That, the Central Government by a notification No. L-20012(46)/84-D-iii(A) dated 4-7-1984 has been pleased to refer the instant industrial dispute for an adjudication u/s 10(1)(d)(2A) of the Industrial Dispute Act, 1947. The Schedule of reference is reproduced below :

THE SCHEDULE

"Whether the action of the management of Gondadiah Colliery of M/s. Bharat Coking Coal Ltd., Knsunda, Distt. Dhanbad in not regularising Sri Deo Nandan Beldar as Night Guard and stopping his work with effect from 3-10-1983, is justified? If not, to what relief the workman concerned is entitled?"

2. That, the parties discussed the subject matter of the industrial dispute between themselves and have settled the aforesaid industrial dispute on the following terms and conditions :—

Terms of Settlement

- (i) That, the workman concerned Sri Deo Nandan Beldar shall be interviewed by the Selection Committee for adjudging his suitability for the post of Night Guard. In case he is found fit, he shall re-designated as Night Guard.
- (ii) That, since the workman concerned Sri Deo Nandan Beldar has been working as a wages, he shall not be entitled in difference wages, he shall not be entitled in dicerence of wages, payable if any.
- (iii) That, after re-designation as Night Guard
- (iii) That, after re-designation as Night Guard he shall be paid the wages apyable to a Night Guard in Gr. 'G' with effect from the date of re-designation.
- (vi) That the workman concerned shall have no other claim whatsoever.
- (v) That, the settlement is fair and proper.
- (vi) That, the parties agreed that seven copies of the settlement be filed before the Hon'ble Tribunal and the Hon'ble Tribunal may be requested to pass an award in terms of the settlement.

It is, threefore, prayed that your honour may be graciously pleased to pass an award in terms of the settlement.

And for this act of kindness the parties shall ever pray.

For the workmen

For the employers.

1. (Illegible)

2. (Illegible).

Witness :

1. (Illegible)

2. (Illegible).

का.आ. 2397 :—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार, सैसर्ज भारत कोकिंग कोल लि. का सि यूरिटी हेड क्वाटर्स कोयला नगर के प्रबन्धन में सम्बद्ध नियोजकों और उनके कर्मकारों के बीच, अनुबन्ध में निदिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण, (सं. 1), धनबाद के पंचपट को प्रकाशित करती है, जो केन्द्रीय सरकार को 16-8-90 को प्राप्त हुआ था।

S.O. 2397.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award of the Central Government Industrial Tribunal (No. 1)

Dhanbad as shown in the Annexure in the industrial dispute between the employers in relation to the management of M/s. Bharat Coking Coal Limited, Security Head Quarters, Koyla Nagar and their workmen which was received by the Central Government on the 16-8-90.

ANNEXURE

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL NO. 1, DHANBAD

In the matter of a reference under section 10(1)(d) of the Industrial Disputes Act, 1947.

Reference No. 103 of 1988

PARTIES :

Employers in relation to the management of BCCL, Security Head Quarters, Koyla Nagar.

AND

Their Workmen.

Present :

Shri S. K. Mitra, Presiding Officer.

Appearances :

For the Employer—Shri G. Prasad, Advocate.

For the Workmen.—Shri Lalit Burman, Vice-President, United Coal Workers' Union.

State : Bihar

Industry : Coal

Dated, the 31st July, 1990.

AWARD

By Order No. L-20012/19/88-D-3(A), dated, the 29th July, 1988, the Central Government in the Ministry of Labour, has, in exercise of the powers conferred by clause (d) of sub-section (1) of Section 10 of the Industrial Disputes Act, 1947, referred the following dispute for adjudication to this Tribunal :

“Whether the action of the management of Bharat Coking Coal Limited through Adviser Security Hd. Quarter, Koyla Nagar, Dhanbad, in dismissing Shri Sher Bahadur, Night Guard from service with effect from 03/02/1987 is justified ? If not, to what relief the workman is entitled ?”

2. The case of the management of M/s. B.C.C. Ltd. Security Hd. Quarter, Koyla Nagar, Dhanbad as appearing from the written statement, details apart, is as follows :—

The present reference is not maintainable either in law or on facts and circumstances of the case. The concerned workman was working as Night Guard under Town Administrative Department of Koyla Nagar of M/s. B.C.C. Ltd. He was on night duty from 9 p.m. to 5 a.m. in the night of 10-4-86/11-4-86 for guarding the machines etc. But he left his place of duty without informing anybody. A theft took place near old 'A' type quarter of Koyla Nagar

from where parts of D.T.H. Boring machine were stolen along with two tyres and two batteries etc. of the said machine, valued over Rs. 20,000/-. He was suspended from duty pending enquiry by order dated 12-4-86. In the suspension order he was charged for misconduct under para 17(i)(n) of Model Standing Order applicable to the coal industry. Subsequent to the issue of the aforesaid suspension order, a modified chargesheet dated 16/17-5-86 was issued to him. He was charged under para 17(i)(a) for commission of theft, fraud or dishonesty in connection with employer's business and property and also under para 17(p) for leaving place of work without permission. He was asked to submit his explanation and was allowed, however, to resume his duty pending enquiry without prejudice to the finding of the Enquiry Officer by letter dated 22/23-5-86. He submitted reply dated 16-4-86 to the order of suspension and also to the chargesheet dated 19-5-86 denying the charge. His explanation was not found satisfactory and thereupon the employer decided to hold domestic enquiry into the charges levelled against him. The Enquiry Officer held the departmental enquiry in conformance to the principles of natural justice. The concerned workman fully participated in the enquiry. He was given full opportunity to cross-examine the employer's witnesses, examine himself and produce documents in support of his defence. The Enquiry Officer submitted his report giving reasons in holding the concerned workman guilty of the charges. The Adviser (Security) finally examined the enquiry report and agreed with the finding of the Enquiry Officer. The Adviser (Security) of M/s. B.C.C. Ltd. was the competent authority and he passed the order on 30-1-87 for dismissal of the concerned workman from service. By letter dated 3/5-2-87 issued by the Adviser (Security), he was dismissed from service.

3. The case of the concerned workman as appearing from the written statement submitted on his behalf by the sponsoring union, United Coal Workers Union, details apart, is as follows :—

The concerned workman was working as Night Guard under the Town Administration Department of Koyla Nagar of M/s. B.C.C. Ltd. The management issued him a chargesheet dated 12-4-86 alleging that he left his place of duty without information in the night of 10/11-4-86 and that some materials of boring machine were stolen which constituted misconduct under clause 17(i)(n) of the Model Standing Order. He submitted his reply dated 16-4-86 denying the charge. Thereafter the management issued a fresh chargesheet against him dated 16/17-4-86 for the self-same incident alleging that he committed misconduct under clause 17(i)(a) and 17(i)(p) of the Model Standing Order. He submitted his explanation denying the charge. The management held departmental enquiry. It is alleged that the departmental enquiry was neither just nor fair as the management produced some tutored witnesses who gave false statements and as such the report of the Enquiry Officer is wrong and totally vitiated. The Adviser (Security), on receiving the report of the Enquiry Officer, passed order of his dismissal from service by letter dated 3/5-2-87. In the circumstances the Adviser (Security) issued the first and the second

charge-sheets, appointed the Enquiry Officer, recommended the punishment for dismissal and issued the letter of dismissal. It is alleged that the management has indulged in gross manipulation and is guilty of unfair labour practice and gross violation of the principles of natural justice.

4. At the instance of the management, the fairness and propriety of the domestic enquiry was considered as preliminary issue. Upon hearing both the parties it was held by order dated 14-5-90 that the domestic enquiry held by the management was fair and proper. Thereupon the parties arrayed canvassed their respective cases on merit before this Tribunal.

5. Shri G. Prasad, learned Advocate for the management, has submitted that the Central Government is not appropriate Government in making present reference since the present dispute does not relate to an industrial dispute concerning a mine. In support of this contention Shri G. Prasad has cited before me a decision reported in 1989 (II) B.L.J. 324 (Employers in relation to the management of Jamadoba Colliery of M/s. Tata Iron & Steel Co. Ltd., Jamadoba Dist Dhanbad Vs. Presiding Officer, Central Govt. Industrial Tribunal-Cum-Labour Court No. 1 Dhanbad and others). The judgement of the Hon'ble Patna High Court was delivered in the case cited by Hon'ble Justice S. B. Sinha. Hon'ble Judge in consideration of the fact that the workmen concerned in that reference were employed in the office of Divisional Manager of collieries of M/s. TISCO, Jamadoba, has held that the dispute raised on their behalf does not concern a mine although their job may have some connection with the mining industry of M/s. TISCO. In that view of the matter the Hon'ble Judge held that the industrial dispute raised by the workman concerned does not come within purview of the word "concerning any mine" and as such, the appropriate Government for referring such dispute would be the State Government and not Central Government.

Shri Lalit Burman, authorised representative of the sponsoring union, has submitted that coal is a 'controlled industry' and so the Central Government is the appropriate Government to make the present reference.

6. Admittedly, M/s. B.C.C. Ltd. runs a segment of coal industry and it is an undertaking of Government of India. The company has its Head Quarter at Koyla Nagar at Dhanbad and the Head Quarter is directing the collieries run by the company in the process of manufacture and production of coal. Nevertheless, in order that the Central Government may be appropriate Government in relation to a 'controlled industry' two requirements are to be specified, viz., (i) the industry should be a controlled industry and (ii) it should have been specified in this behalf for the purpose of Section 2(1)(i) of the Industrial Disputes Act. Admittedly, the coal industry has been declared as a controlled industry under the provisions of Industries (Development and Regulation) Act, 1951 and the Central Government by Notification dated 5-1-1957 specified that the 'Controlled Industry' engaged in the manufacture or production of coal including coke and other derivative which

has been declared as 'Controlled Industry' under section 2 of the Industries Development and Regulation Act, 1951 should be a 'Controlled Industry' for the purpose of Section 2(a)(i) of the Industrial Disputes Act. Thus, it is seen that the Central Government issued two Notifications—one declaring the manufacture or production of coal including coke and other derivatives as 'Controlled Industry' under section 2 of the Industries (Development and Regulation) Act, 1951 and another Notification specifying that industry as 'Controlled Industry' for the purpose of Section 2(a)(i) of the Industrial Disputes Act. This being the position, the Central Government is the appropriate Government to make the present reference. As a matter of fact, the Hon'ble Judge has held in his order dated 24-7-1987 passed in C.W.J.C. 896 of 1982R) (Kadhanath Choudhury and others Vs. Union of India and others), agreeing with the submission of the learned counsel appearing for the petitioner in that case, that coal industry has been declared to be a 'Controlled Industry' under provisions of Industries (Development and Regulation) Act, 1951 and the Central Government has also specified the coal industry as "Controlled Industry" by issuing notification in terms of Section 2(a)(i) of Industrial Disputes Act and so the Central Government was the appropriate Government to refer the dispute raised by the workmen who had been working as watermen in Amlabad Colliery but not working in the mine. I observe that this aspect of the matter relating to 'Controlled Industry' and notifications issued by the Central Government in terms of statute referred to above was not canvassed before the Hon'ble Judge in the decision cited in 1989(2) B.L.J. 324. This being the position, I hold that the Central Government is the appropriate Government competent to make the present reference and in this view of the matter the present reference is maintainable. Accordingly, the contention of Shri Prasad that the present reference is not maintainable is over-ruled.

7. Admittedly Sher Bahadur, the concerned workman was employed as Night Guard/Security Guard in Koyla Nagar Town Administration Department of M/s. B.C.C. Ltd. and he was deployed for duty in the night of 10/11-4-1986 9 p.m. to 5 p.m. near old 'A' type quarter of Koyla Nagar for guarding machines etc. It is alleged by the management that the concerned workman left the place of his duty at about 12.30 a.m. without permission of the competent person and during that period some parts of D.T.H. boring machines were stolen and in addition two tyres and two batteries etc. of the said machine, valued at over Rs. 20,000/-.

On the report of the Security Inspector, Koyla Nagar Town Administration Department, the order of suspension dated 12-4-86 issued under the signature of Shri R. N. Singh, Adviser (Security) was clamped down on him alleging that he left duty place without informing anybody and that his action constituted misconduct under section 17(i) (n) of the Model Standing Orders applicable to Coal Mining Industry (Ext. M-1). Relevant clause quoted by the Adviser (Security) is wrong for clause 1(n) of the Model Standing Orders applicable to Coal Mining Industry envisages that continuous absence without permission and without satisfactory cause

for more than ten days in misconduct. Anyway, there is no scope for holding that the concerned workman was prejudiced in his defence by erroneous quotation of the clause of the Model Standing Order as the misconduct has been spelt out when sufficient clarity in the order of suspension. Thereafter Sri R. N. Singh, Adviser (Security) issued charge-sheet dated 16/17-5-86 against the concerned workman alleging that the latter left his place of duty after 12-30 a.m. without permission of the competent person and during the period some parts of D.T.H. valued over Rs. 20,000/- was stolen and that his deliberate absence from place of duty confirmed that the theft had occurred with his connivance and further that his above action was serious which constituted misconduct under clause 17(a) (theft, fraud or dishonesty in connection with employer's business or property), and clause 17(p) (leaving work without permission or sufficient reason) of the Model Standing Order applicable to Coal Mining Industry (Ext. M-2). The concerned workman, by letter dated 7-5-86 informed the Adviser (Security) that since ten days had elapsed from the date of order of suspension he should be allowed to join his duty pending enquiry (Ext. M-4). Shri R. N. Singh allowed him resumed duty by order dated 22/23-5-86 without prejudice to the finding of the Enquiry Officer. The concerned workman submitted his explanation dated 16-4-86 to the order of suspension denying the charge against him (Ext. M-5). He asserted in his explanation that he performed his duty throughout the shift and that it was not a fact that he left his duty place before the end of the shift without informing anybody. He further stated that the materials mentioned in the charge-sheet were all in fact when he left the place of duty and, to quote his own language, that "unfortunately under the existing arrangement nobody is allotted to take the charge of the materials of the company after the end of the shift. The materials were not stolen so long as I remained on duty till 5 a.m." By letter dated 19-5-86 he submitted his explanation to the chargesheet, the relevant part of which is gleaned hereinbelow:

"That in the present charge-sheet you have given some details including the details of the tools and parts alleged to have been stolen on the night of 10/11-4-86.

That as I have already stated that it is not a fact that I left the place of my duty during that shift hours from 9 P.M. to 5 A.M. It is not a fact that I left the place of work at 12-30 A.M. or at any time. I remained at the place of my duty during the eight hours from 9 P.M. to 5 A.M. and then left the place of the work after the shift ended. I also reiterate that when I left the place of duty there was no theft of any part or tool from the Boring Machine in question and everything were in fact.

That at 5 A.M. after the end of my shift there was no one to take the charge of the place and normally the management do not engage any Guard after 5 A.M.

That as there was no theft of any property of the company during my shift hours on the night of

10/11-4-86, I am not guilty of the charges under clauses mentioned in your charge-sheet. Neither I left the duty nor was there any theft of company's property during my shift as alleged in your charge-sheet.

I have been kept under suspension from 12-4-86 wrongly without payment of the suspension allowance even. The action taken against me is wrong, illegal and unfair."

8. The Adviser (Security), Sri R. N. Singh was not satisfied with the explanation submitted by the concerned workman and decided to hold domestic enquiry to enquire into the allegation made against the concerned workman and appointed Shri R. S. Singh, Dy. Personnel Manager, Security Head Quarter, Karmik Bhawan as Enquiry Officer and Shri D. K. Choudhury, Executive Engineer (C), as Presenting Officer (Ext. M-7). The management held departmental enquiry in which the concerned workman participated, and after conclusion of the departmental enquiry the Enquiry Officer submitted his report holding the concerned workman guilty of misconduct on both the counts of charge (Ext. M-11). Shri R. N. Singh recorded the following note on the report of the Enquiry Officer and dismissed the concerned workman from service with immediate effect.

"I have carefully gone through the finding of the Enquiry Officer and I fully agree with the same.

The charges levelled against the accused Night Guard Sher Bahadur have been fully proved. As the company had to incur a heavy loss due to the theft of two costly items from the concerned vehicle which accused Sher Bahadur was supposed to guard but left it unguarded resulting in the theft of others, the accused Sher Bahadur is dismissed from the service of the company with immediate effect."

9. Shri Lalit Burman, authorised representative of the sponsoring union, has submitted that Shri R. N. Singh, Advisor (Security) issued the order of suspension, chargesheet, appointed Enquiry Officer and finally dismissed the concerned workman from service. According to him, Sri Singh has practically acted as a prosecutor in this case and he also handed down the punishment also. He has further submitted that this is unfair, improper, illegal and unjustified.

Shri G. Prasad, learned Advocate has contended that there is no evidence on record to indicate that Sri Singh has acted unfairly and improperly.

10. I have carefully considered the submission of Shri Burman. Indeed, Shri Singh issued the order of suspension, chargesheet and appointed the Enquiry Officer and finally passed the order of dismissal. But that does not by itself indicate that he acted unfairly or improperly. There is nothing in evidence to indicate that Sri Singh has acted as a prosecutor in this case. Hence, I am constrained to hold that there is no substance in the contention of Shri Burman that Shri Singh has acted unfairly, improperly, illegally and unjustly.

11. Now, I will consider as to whether the Enquiry Officer was justified in holding the concerned workman guilty of misconduct on both counts of charge. Shri D. K. Choudhry, Executive Engineer (C) acted as Presenting Officer for the management. He has also deposed in the departmental enquiry. He is not an eye witness to the occurrence. He has stated that he had a talk with Sri G. C. Choudhury, Inspector (Security) and he came to know that the concerned workman was on duty from 9 P.M. to 5 A.M. and upto 12 mid night according to Shri G. C. Choudhury, everything was alright and that at 6 O'Clock in the morning when the list of missing articles was prepared the concerned workman was not present and since it took about 2 to 3 hours to remove the tyre with rim from the Drilling machine, it was clear that the concerned workman was not in his duty place after 12 P.M. This inference of his neither warranted nor justified. On the other hand, the evidence of Shri H. C. Lala, Havildar indicates that he found the concerned workman in his duty place upto 1 A.M. The statements of Sri S. K. Naskar, Senior Supervisor and Sri M. N. Khan, Rigman do not impinge upon the alleged misconduct of the concerned workman. Shri H. C. Lala, Havildar, has stated in his testimony that when he went near 'A' Type Quarter just near the Drilling machine at about 12.35 A.M. he found the concerned workman on duty and he stayed there upto 1 A.M., but in the morning at about 5 A.M. he did not find him there. The concerned workman asked pointed question to this witness in domestic enquiry in the following manner :

"You did not come to me upto 5 A.M. in the morning after taking signature at 1 O' Clock. It can be seen from the register that at 5 O' Clock I was at my quarter. My all articles were alright. After 5 O' Clock I do not know what happened; there was nobody to take charge from me at 5 O' Clock ?

Ans : I told you that you should remain there so that I can take charge from you."

Thus, it is seen that in cross-examination this witness could not deny that he did not come to the concerned workman upto 5 a.m. in the morning and that all the articles incharge of the concerned workman were alright. The statement of G. C. Choudhury, Sub-Inspector (Security) does not pin point the alleged misconduct of the concerned workman. He has stated that he heard from Suleman Mia who was on duty on 10-4-86 from 4 P.M. to 12 mid night that Suleman Mia reported to him that the concerned workman came to him at about 2.00 p.m. for drinking water and that Suleman gave him drinking water for drinking and asked him whether there was no water in the pitcher at his duty post. Suleman Mia stated in the domestic enquiry that on 10-4-86 when it was about 12 p.m. he asked the concerned workman to check the articles and at about 12.25 A.M. he came to his quarter and slept. He has further stated that the concerned workman went to his quarter at about 2.00 p.m. and asked for water for drinking. Thereupon he told him that what made to come there when there was water in the pitcher. He has also

stated that he told him to take water and he did so and thereafter he slept and saw the concerned workman passing at about 4.38 a.m. This evidence of Suleman does not indicate that the concerned workman left his duty place at about 4.38 a.m.

12. Upon consideration of evidence on record, am satisfied that there is not even scintilla of evidence to indicate that the concerned workman was guilty of misconduct for having committed misconduct of theft, fraud or dishonesty in connection with employer's business or property or that he has in any way connived at theft, fraud or dishonesty. From the evidence on record it has not been proved satisfactorily that the concerned workman who was deployed for duty in the night of 10-4-86/11-4-86 from 9 P.M. to 5 A.M. left his duty post of 5 A.M., but the evidence unmistakably indicates that he left his duty place without making over charge to anybody. As a Night Guard/Security Guard it was his bounded duty to make over charge to somebody before leaving his duty place. This he has not done. But I consider that punishment of dismissal from service is disproportionate to his misconduct of having left duty place without making over charge to anybody. I hold that punishment by way of warning and stoppage of one annual increment with non-cumulative effect will be adequate punishment for the misconduct of the concerned workman.

13. Accordingly, the following award is rendered—the action of the management of Bharat Coking Coal Limited through Adviser, Security Hd. Quarter, Koyla Nagar, Dhanbad, in dismissing Sh. Sher Bahadur, Night Guard from service with effect from 3-2-1987 is not justified. The concerned workman is given a warning and the management may withhold one annual increment of the concerned workman with non-cumulative effect by way of punishment. The order of dismissal is hereby set aside and the management is directed to reinstate the concerned workman in service immediately and to pay him 75 per cent of back wages with effect from 3-2-1987 less the amount already paid and also to give him continuity of service.

In the circumstances of the case, I award no cost.

S. K. MITRA, Presiding Officer
[No. L-20012(19)188-D.III(A)] [R (Coal-I)]

का.आ. 2398:—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अन्वय, में केन्द्रीय सरकार सैमर्ज भारत कोकिंग कोल लि. की इंडस्ट्री कोलियरी के प्रबन्धन में सम्बद्ध नियोजकों और उनके कर्मचारों के बीच, अन्वय में निम्नलिखित औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिनियम (सं. 2), धनदा के पंचपट को प्रकाशित करती है, जो केन्द्रीय सरकार को 17-8-90 को प्राप्त हुआ था।

S.O. 2398.—In pursuance of section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award of the

Central Government Industrial Tribunal (No. 2) Dhanbad, as shown in the Annexure in the industrial dispute between the employers in relation to the management of Industry Colliery of M/s. Bharat Coking Coal Limited and their workmen, which was received by the Central Government on 17-8-90.

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL (NO. 2) AT DHANBAD

PRESENT

Shri I. N. Sinha, Presiding Officer
Reference No. 77 of 1986

In the matter of an industrial dispute under Section 10(1)(d) of the I.D. Act, 1947.

PARTIES

Employers in relation to the management of Industry Colliery of M/s. Bharat Coking Coal Limited and their workmen.

APPEARANCES

On behalf of the workmen.—Shri S. Bose, Secretary. R.C.M.S.

On behalf of the employers.—Shri B. Joshi, Advocate.

STATE : Bihar **INDUSTRY :** Coal.
Dhanbad, the 6th August, 1990

AWARD

The Govt. of India, Ministry of Labour in exercise of the powers conferred on them under Section 10(1) (d) of the I. D. Act, 1947 has referred the following dispute to this Tribunal for adjudication vide their Order No L-20012(232)85-D.III(A), dated, the 27th January, 1986.

SCHEDULE

“Whether the demand of Rashtriya Colliery Mazdoor Sangh that the management of Industry Colliery of M/s. Bharat Coking Coal Limited should regularise their workman Shri T. L. Sethia as Assistant Foreman, is justified? If so, to what relief the workman concerned is entitled?”

In this case instead of filing W. S. both the parties appeared before me and filed a Petition of compromise. I heard them on the said petition of compromise and I do find that the terms contained therein are fair, proper and beneficial to both the parties. Accordingly I accept the same and pass an Award in terms of the compromise petition which forms part of the Award as annexure.

I. N. SINHA, Presiding Officer

[No. L-20012(232)85-D.III(A)] [IR(Coal-1)]

का.आ. 2399.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार मैमर्ज भारत कोकिंग कोल लि. का काराम क्षेत्र वेस्ट मुदिदिह कोलियरी के प्रबन्धन में सम्बद्ध निर्योजकों और उनके कर्मचारों के बीच, अत्यन्त में विदेश औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण, (सं. 1), धनबाद के पंचपट का प्रकाशन करती है, जो केन्द्रीय सरकार को 16-8-90 को प्राप्त हुआ था।

S.O. 2399.—In pursuance of section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award of the Central Government Industrial Tribunal (No. 1) Dhanbad as shown in the Annexure in the industrial dispute between the employers in relation to the management of West Mudidih Colliery of Katras Area of M/s. Bharat Coking Coal Limited and their workmen, which was received by the Central Government on 16-8-90.

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL NO. 1, DHANBAD

In the matter of a reference under Section 10 (1)(d) of the Industrial Disputes Act, 1947.

Reference No. 15 of 1989

PARTIES :

Employers in relation to the management of Katras Area-4 of M/s. B.C.C. Ltd.

AND

Their Workmen

PRESENT

Shri S. K. Mitra, Presiding Officer

APPEARANCES

For the Employers.—Shri B. Joshi, Advocate.
For the Workmen.—Shri D. Mukherjee, Secretary, Bihar Colliery Kamgar Union.

STATE : Bihar **INDUSTRY :** Coal.

Dated, the 30th July, 1990

AWARD

By Order No. L-20012/14588-D.3(A)D.4(A), dated, the 27th January, 1989, the Central Government in the Ministry of Labour has, in exercise of the powers conferred by clause (d) of sub-section (1) and sub-section (2-A) of Section 10 of the Industrial Disputes Act, 1947, referred the following dispute for adjudication to this Tribunal :—

“Whether the demand of re-instatement of Shri Sita Ram Manihi, I. D. Card No. 219717 and Shri Budhv Manihi, Form ‘B’ No. 1262, miner/loader of the West Mudidih Colliery of Katras Area of M/s. BCCL whose names were removed from the roll of the colliery in 1976 is justified? If so, to what relief are these workmen entitled?”

2. The reference for adjudication was received in the officer of the Tribunal on 3-2-1989. Since neither the concerned workman nor the sponsoring union appeared, notice was issued to both the sponsoring union and the employer. In response to such notice, the employer through its Advocate, Shri B. Joshi and the Secretary of the Sponsoring union, Shri D. Mukherjee appeared. After taking several adjournments for filing written statement Shri D. Mukherjee, Secretary of the sponsoring union has submitted that the union does not want to proceed with the present dispute. In the circumstances, I am constrained to pass 'no dispute award' in the present industrial dispute.

This is my award.

S. K. MITRA, Presiding Officer
[No. L-20012/145/88-D.III(A)|D.IV(A)|IR(Coal-I)]

नई दिल्ली, 31 अगस्त, 1990

का.आ. 2400:—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार मैसर्स भारत कोकिंग कोल लिमिटेड की बलिहारी कोलियरी के प्रबन्धतंत्र में सबद्ध नियोजकों और उनके कार्य-कारों के बीच, अनुबन्ध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण, के पंचाट को प्रकाशित करती है, जो केन्द्रीय सरकार को 20-8-90 को प्राप्त हुआ था।

New Delhi, the 31st August, 1990

S. O. 2400.—In pursuance of section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award of the Central Government Industrial Tribunal (No. 1) Dhanbad as shown in the Annexure in the industrial dispute between the employers in relation to the management of Balihari Colliery of M/s. Bharat Coking Coal Limited and their workmen, which was received by the Central Government on 20-8-90.

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL NO. I, DHANBAD

In the matter of a reference under section 10(1)(d) of the Industrial Disputes Act, 1947.

Reference No. 12 of 1983

PARTIES :

Employers in relation to the management of
Balihari Colliery of Messrs Bharat Coking
Coal Limited.

AND

Their Workmen.

PRESENT :

Shri S. K. Mitra, Presiding Officer.

APPEARANCES :

For the Employers : Shri R. S. Murthy, Advocate.

For the Workmen : Shri R. R. Bhattacharjee, Adv.

STATE : Bihar
2291 CI/90 - 18

INDUSTRY : Coal

Dated, the 9th August, 1990

AWARD

By Order No. L-20012/323/82/D-III(A), dated, the 10th March, 1983, the Central Government in the Ministry of Labour has, in exercise of the powers conferred by clause (d) of sub-section (1) of Section 10 of the Industrial Disputes Act, 1947, referred the following dispute for adjudication to this Tribunal :

“Whether the action of the management of Balihari Colliery of Messrs Bharat Coking Coal Limited in dismissing from service Shri Bir Bahadur Singh, Clerk from 24-4-1982 was justified. If not, to what relief is the said workman entitled ?”

2. The case of the management of Balihari Colliery of M/s. Bharat Coking Coal Limited, Dhanbad, as appearing from the written statement submitted, details apart, is as follows :

The present reference is bad in law and not maintainable. There is no valid industrial dispute in the eye of law. Bir Bahadur Singh, the concerned workman, was a Clerk and he was entrusted in the month of March, 1977 with the duties of Pay Clerk for disbursing wages to the employees of Balihari Colliery. He was doing the job of Pay Clerk prior to March, 1977 even. On 4-3-1977 an amount of Rs. 2,43,534 was handed over to him through Cash Details Book for pay Clerks for disbursement of wages to time-rated workers representing their wages for the previous month. As per direction given to him, he was required to deduct from individual workers amounts representing recovery of festival advance given to him and the amount so recovered was required to be deposited by him with the Cashier alongwith the amount representing deduction on other account and un-paid wages. Although an amount of Rs. 15,493 was recovered by him from 611 time-rated workers against festival advance while disbursing their wages in March, 1977 for the preceding month, he did not deposit the said amount of Rs. 15,493 with the Cashier. The Vigilance enquiry subsequently ensued and it was found at that time that he had failed to deposit the amount in question with the Cashier and could not account for the same. Thereafter he was issued with a chargesheet dated 23-5-1979 and the charges indicated that he was charged with misconduct which attracted clause 29(2) of the Certified Standing Order of the Colliery, viz., theft, fraud or dishonesty in connection with employer's business and property. In reply to the chargesheet the concerned workman submitted his first explanation dated 18-6-79 denying the charges. However, he admitted in his explanation that a sum of Rs. 15,493 was deducted as festival advance as referred to in the chargesheet, but he contended that he deposited the said amount with the then Cashier H. L. Popat. He submitted a further explanation dated 30-7-1979 stating that he did not commit any misconduct under Clause 29(2) of the Standing Order, that there was no act of misconduct on his part, that the charges had been framed wrongly, illegally and without any factual basis etc. The subsequent explanation was the result of an afterthought on his part. The Superintendent/Agent of Balihari Colliery considered his explanation and finding the same to be not satisfactory, ordered a detailed enquiry

by order dated 25-6-79 and appointed Shri V. Jha, Senior Personnel Officer, Bhagaband Area of M/s. B.C.C. Ltd. as the Enquiry Officer under intimation to the concerned workman. The Enquiry Officer held the enquiry in consonance with the principle of natural justice. The concerned workman fully participated in the enquiry. The management's witnesses were examined in his presence and he was given opportunity of fully cross-examining them and he availed himself of that opportunity. He also examined himself, but did not produce any witness in defence. The Enquiry Officer, upon the evidence produced before him came to the conclusion that the concerned workman was responsible for not depositing with the management the amount of Rs. 15,493 which he recovered from 611 time-rated workmen. The Dy. Chief Mining Engineer/Agent considered the report of the Enquiry Officer, proceeding and connected papers and came to the conclusion independently that the charges levelled against the concerned workman was fully established. He considered the charges as grave and serious in nature and in consequence decided to dismiss him from the service of M/s. B.C.C. Ltd. Accordingly, by letter dated 24-4-82 he was dismissed from service of M/s. B.C.C. Ltd. by Dy. C.M.E./Agent, Balihari Colliery. In view of the facts and circumstances of the case and the serious nature of the charge proved against the concerned, the management was fully justified in dismissing him from service. M/s. B.C.C. Ltd. which was established under the Coking Coal Mines (Nationalisation) Act, 1972 is a Government company within the meaning of Section 617 of the Company's Act and its fund is public fund and its employees are public servant within the meaning of Section 21 of the I.P.C. The entire fund/share of M/s. B.C.C. Ltd. was provided by the Government of India and it is wholly financed by the State. In the circumstances, the management has submitted that its action in dismissing the concerned workman from service be held to be justified.

3. The case of the concerned workman, as appearing from the written statement submitted by him, bereft of details, is as follows :

The chargesheet is the sine-quo-non of departmental proceeding but the chargesheet issued to him suffers from fatal infirmity inasmuch as it was issued after inordinate delay of about 26 months which remained unexplained by the management. Regard being had to the procedure of cash transaction in a Public Sector Undertaking by maintaining Cash Book, periodical verification of cash transaction, yearly audit, both internal and external and system of maintainance of individual ledger book, it is improbable that detection of an alleged misappropriation of such a big amount could not be detected for more than two years. It has been alleged by the concerned workman that the action of the management right from issuance of chargesheet upto his dismissal from service was mala fide and manifestly smacks of unfair labour practice and victimisation. He requested the management to show him relevant papers by letter dated 30-5-1979, but the management did not allow him to look into the papers as evidenced from the letter of the management dated 11-6-1979. He prayed for one month's time to the management by his letter dated 30-5-79 to prepare his show-cause, but the management gave him only three days' time by letter dated 11-6-79 and

so no sufficient time was granted to him by the management to prepare his show cause. By his letter dated 18-6-79 to the Superintendent, Balihari Colliery, he has stated that he received Rs. 2,43,634 for disbursement of wages to the time-rated workers and that he had deducted a sum of Rs. 15,493 from the workers against festival advance. He has emphatically stated that he deposited the aforesaid amount to the Cashier, H. L. Popat and that it was recorded in the individual ledger of the concerned workman. He requested the management by letter dated 17-7-79 for submission of documents through the Enquiry Officer, such as, Individual Ledger Book, Statements of witnesses and all Wages Sheets, where deductions were shown both by manually and machine. The management did not give him any reply. During the Vigilance enquiry H. L. Popat, Cashier, contradicted his own statement by stating in his statement dated 13-9-78 that the concerned workman deposited the unpaid wages amounting to Rs. 3,218.36 paise for the month of February, 1977 on 11-3-77 with him. But in the same statement he had stated that the concerned workman did not deposit the unpaid wages of the concerned time-rated workers for the month of February, 1977 with him. During Vigilance enquiry it was stated that he committed misappropriation of Rs. 15,493/- recovered from 611 time-rated workers. But in the documentary evidence the total number of time-rated workers was shown as 617 from whom festival advance was deducted. Sri Popat, in the course of Vigilance enquiry stated that one Govind Singh, Office Clerk, made deductions for festival advance in respect of 300 time-rated workers, but he did not clarify whether those 300 time-rated workers were different from 611 time-rated workers or they were included therein. It has been alleged that the management has deliberately withheld the individual ledger books of 611 time-rated workers involved in the charge levelled against him despite the fact that his specific case from the very beginning has been that the said ledger books contained entries in proof of deductions on account of festival advance made from the said 611 time-rated workers and that the amount so deducted had been deposited in due course with the Cashier, Sri Popat by him. It has been alleged that the management has deliberately and with mala fide intention withheld the duplicate book which is used for the purpose of preparing receipt by carbon process in token of unpaid refunds made by the Pay Clerks to the Cashier because that would show that he actually paid/deposited/refunded the said amount of Rs. 15,493/- towards deductions of festival advance for the month of February, 1977 in due course. The original copy of the receipts which was given to him from the duplicate book is not available for production after the lapse of about 26 months. As a matter of fact, the Pay Clerks do not preserve such receipts granted to them for such a long period nor can it be expected from them. In the circumstances stated above, the concerned workman has asserted that there was gross violation of principle of natural justice. Besides, the Enquiry Officer did not examine three of his witnesses. Anyway, the Enquiry Officer did not hold him guilty of misconduct and his finding for recovery of a sum of Rs. 15,493 from him in suitable instalments is perverse inasmuch as it is not based on any evidence. It has been alleged further that the Disciplinary Authority passed the order of dismissal from service improperly by construing an incorrect construction of the

enquiry report. The Disciplinary Authority, actuated by motive to indulge in unfair labour practice and to victimise the concerned workman for his trade union activities since he was an active member of Janta Mazdoor Sangh, had dismissed him from service.

4. In rejoinder to the written statement of the concerned workman, the management has denied generally the allegations of the concerned workman as made in his written statement, but it has failed to make a specific and emphatic denial of the statement of the concerned workman as made out in para 5 of his written statement.

5. In rejoinder to the written statement of the management, the concerned workman has reiterated the facts as asserted in the written statement and denied the allegations of the management.

6. At the instance of the management the fairness and propriety of the domestic enquiry was considered as a preliminary issue. It was held by order dated 18-5-1989 that the domestic enquiry was not held fairly and properly. Thereupon the parties arrayed have laid evidence afresh on merit of the case, in the course of which the management examined two witnesses, namely, MW-2 H.L. Popat, Cashier of Balihari Colliery of M/s. B.C.C. Ltd and MW-3 M. Chattapadhyay, posted to Bhagaband Area of M/s. B.C.C. Ltd. as Asstt. Finance Manager in 1978 and relied on documentary evidence adduced at the time of hearing the preliminary issue.

On the other hand, the concerned workman has examined himself only as WW-4 and relied on the document produced by him and exhibited as Ext. W-1 in the course of hearing on preliminary issue.

7. According to the case of the management as disclosed in the written statement, the concerned workman, Bir Bahadur Singh, who was a Clerk, was entrusted in the month of March, 1977 with the duties of Pay Clerk for disbursing wages to the employees of Balihari Colliery in which he was employed and that on 4-3-77 an amount of Rs. 2,43,634/- was handed over to him through Cash Details Book for Pay Clerks for disbursement of wages to the time-rated workers representing their wages for the previous month. The further case of the management is that although an amount of Rs. 15,493/- was recovered by the concerned workman from 611 time-rated workers against festival advance while disbursing their wages in March, 1977 for the preceding month, he did not deposit the said amount of Rs. 15,493/- with the Cashier. The concerned workman, in his written statement has admitted to have received the sum of Rs. 2,43,634/- for disbursement of wages to the time-rated workers and to have deducted Rs. 15,493/- from the workmen against festival advance, but has asserted that he deposited the afore-said amount with the Cashier, Shri H.L. Popat and that it was entered in the individual ledger of the workmen involved and the management has withheld the duplicate book which is used for the purpose of preparing receipts by carbon process in token of unpaid refund made by the Pay Clerk to the Cashier.

Admittedly, a sum of Rs. 2,43,634/- was handed over to the concerned workman, a Clerk, but acting

as Pay Clerk of Balihari Colliery for disbursement of wages to the time-rated workers of Balihari Colliery representing their wages for the month of February, 1977. This fact is also established by unimpeachable evidence, such as, reply of the concerned workman dated 18-6-79 to the chargesheet, his statement dated 20-9-78 before the Vigilance Officer (Ext. M-1[2]) and the entry in the Cash Details Book for Pay Clerks (Ext. M-6[1]). The contention of the management is that the concerned workman did not deposit the amount of Rs. 15,493/- deducted from 611 time-rated workers against festival advance while disbursing their wages in March, 1977. Upon these facts, the Superintendent of Balihari Colliery issued following chargesheet dated 23-5-79 against the concerned workman :—

"While you were employed as Pay Clerk in March '77 besides other period, you have committed the following misconduct :—

- (1) That you received a sum of Rs. 2,43,634/- on 4-3-77 through Cash Details Book for Pay Clerks for disbursement of wages to time-rated workers of Balihari Colliery.
- (2) That you deducted a total sum of Rs. 15,493/- from 611 time-rated workers against festival advance, but you did not deposit the above sum with the cashier either on 11-3-77 or on 14-3-77 along with other deduction and unpaid wages as you did in respect of other employees. You are asked to show cause within a period of 72 hours of the receipt of this Charge-Sheet as to why suitable disciplinary action should not be taken against you as provided under para 29(2) of the Certified Standing Orders for the Colliery."

Upon scanning the charge-sheet it is obvious that the concerned workman was assigned on a charge for not having deposited a sum of Rs. 15,493/- deducted from 611 time-rated workers against festival advance with the Cashier either on 11-3-77 or on 14-3-77 along with other deductions and unpaid wages as he did in respect of other employees. (Underline mine). Thus, the chargesheet spells out that the concerned workman did not deposit with the Cashier (i) a sum of Rs. 15,493/- deducted from 611 time-rated workers against festival advance and (ii) other deductions and unpaid wages. But this aspect of the chargesheet will be considered in depth later to hold whether the action of the management is justified in the context of the charge levelled against him.

8. The broad skeletal of fact remains that the concerned workman allegedly committed misconduct as borne out in the charge-sheet sometime in the month of March, 1977 while charge-sheet was issued against him as late as on 23-5-79. The concerned workman has complained in his pleading about the delay in issuing the chargesheet after expiry of almost 26 months.

Shri R. Bhattacharjee, learned Advocate for the concerned workman, has submitted that the delay in issuing the charge-sheet to the concerned workman by itself indicates that the case of the management against the concerned workman is little an infirm. On the

other hand, Shri R. S. Murthy, learned Advocate for the management, has contended that delay in issuing charge-sheet does not by itself absolve the concerned workman of the misconduct he had committed nor does it indicate any infirmity of the case of the management.

Indeed, delay in issuing the charge-sheet, by itself does not indicate the falsity of the charge, but unless the delay is satisfactorily explained, there is reason to hold that the management was not sure of its case against the concerned workman or that it was traversing on uncertain ground.

9. Now, I will consider the time element when the matter came to the notice of the management or should have come to the notice of the management. In this context the evidence of MW-3 N. Chattapadhyay, who was posted to Bhagaband Area of M/s. B.C.C. Ltd. as Asstt. Finance Officer in 1978 is illuminating. Shri Chattapadhyay has stated that the Balihari Colliery is one of the units of Bhagaband Area of M/s. B.C.C. Ltd. and just after his joining the area, he was advised by the Finance Manager of the Bhagaband Area to conduct internal audit of all the collieries of Bhagaband Area. His further testimony is that in the course of internal audit it was noticed that there was long outstanding with respect to festival advance to the workmen of Balihari colliery and this was reflected in the ledger and that on enquiry from the Agent of the colliery he was reported that some advance was realised from the employees but not deposited with the Cashier. According to him, accounting of Balihari colliery from 1-4-76 till 31-3-77 must have been completed by August, 1977 and on closure of the accounting for the aforesaid period it must have been known as to what amount remained outstanding and that amount on the head 'festival advance' was recovered from the workmen of the colliery. Thus, in consideration of evidence of Shri Chattapadhyay the fact of non-deposit of the amount in question recovered from the time-rated workmen of Balihari colliery against festival advance must have surfaced or come to the notice of the management of the colliery in August/September, 1977. Hence, the question that necessarily comes to the fore as to what weighted with the management in allowing the matter to drift for almost two years. Then again, Shri H. L. Popat, the Cashier of the Balihari Colliery, has made a statement before the Vigilance Officer that in July, 1978 while he was looking after cost and accounts office of the colliery he prepared the ledger and came to know that a sum of Rs. 15,493/- was not returned alongwith unpaid wages for the month of February, 1977 in respect of time-rated workers of Balihari Colliery by the concerned workman. Shri Popat is a responsible worker of the colliery and it is presumed that he has brought the matter to the notice of the management immediately after its detection in July, 1978. Thus, it is seen that even if this statement of Shri Popat is believed, the information about the matter must have reached the management in July or August, 1978. Even then, the management made delay of over eight months in issuing chargesheet against the concerned workman. Why so? The reason has not been explained by the management despite assertion of the management that M/s. B.C.C. Ltd. is a Government company and its funds are public fund and employees are public servant within the meaning of

Section 21 of I. P. C. It appears that the management went into hibernation for a considerable period and then suddenly it woke up with the realities of the situation not by realisation of its own, but by the enquiry of Shri Chattapadhyay as his evidence indicates and thereafter conducted vigilance enquiry and submitted charge-sheet against the concerned workman. The very conduct of the management in delaying the issue of the charge-sheet against the concerned workman without offering any plausible and reasonable explanation of such delay is indicative of the fact that the management was not sure or certain about its case against the concerned workman.

10. Now, I propose to revert to the charge-sheet once again. As I have pointed out before, the charge-sheet spells out that the concerned workman did not deposit with the Cashier (i) a sum of Rs. 15,493/- deducted from the 611 time-rated workers against festival advance and (ii) other deductions and unpaid wages. The charge-sheet fails to disclose the exact amount or amounts by approximation that the concerned workman did not allegedly deposit with the Cashier on account of unpaid wages and other deductions. Actually this aspect of the charge is not only pointless but baseless as well. Shri Popat, in his statement before the Vigilance Officer dated 13-9-78 has admitted to have received a sum of Rs. 3218.36 p. from the concerned workman on 11-3-77 on account of unpaid money. But later he complained that the concerned workman did not deposit with him a sum of Rs. 15,493/- by way of deduction against festival advance but also unpaid wages for the month of February, 1977. He has failed to pin point in his statement the amount of unpaid wages which the concerned workman failed to deposit with him. This Omission and apparent inconsistency in the statement of Shri Popat before the Vigilance Officer is indicative of his effort to escape from the responsibility and to lump it on the concerned workman. During his evidence before this Tribunal as MW-2 Shri Popat has been constrained to admit that out of the total amount of Rs. 2,43,634/- made over to the concerned workman, a sum of Rs. 2684/- on account of undisbursed wages for the month of February, 1977 and quarterly bonus of Rs. 534.36 were paid back by the latter. But these re-payments have not been included in summary pay roll for February, 1977 (Ext. M-4) and wage-sheets of time-rated workers for the month of February, 1977 (Ext. M-5). Anyway, this evidence of Shri Popat un-mistakably establishes the fact that the concerned workman deposited unpaid wages and other deductions with the Cashier Shri Popat. Hence, the charge against the concerned workman that he did not deposit with the cashier unpaid wages and other deductions is groundless baseless and framed up too.

11. Now, I will consider the fact whether the management could establish the charge against the concerned workman of his having not deposited with the cashier a sum of Rs. 15,493/- deducted from 611 time-rated workers against festival advance by satisfactory, convincing and cogent evidence.

In answer to the charge-sheet dated 23-5-79 (Ext. M-1) the concerned workman, by his letter dated 30-5-79 pointed out that the alleged incident dated back to 1977 and that he was not in a position to

submit his show cause without going through the relevant papers and solicited the favour of the management for allowing his one month's time to submit show-cause and to permit him to inspect relevant records. In reply the management intimated him by letter dated 11-6-79 that he was allowed three days' time to submit his reply and that the record needed would be produced before the appointed Enquiry Officer where he would get ample opportunity to study and examine the same and should be fail to submit his reply within the period specified it would be presumed that he had no explanation to offer. Thus, the concerned workman was driven by the management to the position to submit his show-cause with regard to matters relating to accounts after expiry of over two years and that too without having any inspection of Books of Accounts. Suffered as he was subjected to, the concerned workman submitted his explanation dated 18-6-79 denying the charges of misconduct, complaining that the charge was levelled against him after for more than two years, admitting to have received the sum of Rs. 2,43,634/- for disbursement amongst the workers but denying the charge that he did not deposit the amount of Rs. 15,493/- deducted as festival advance with the cashier either on 11-3-77 or 14-3-77. His emphatic defence is that he deposited the amount to the Cashier and that the amount was reflected in the individual ledger kept in the custody of the Cashier. It is worthwhile to mention here that in his statement before the Vigilance Officer on 20-9-78 the concerned workman stated emphatically that a total sum of Rs. 15,493/- deducted by him from the workers against festival advance was deposited with the Cashier some day after payment in a new duplicate book and the original receipt which he received after depositing the amount to Shri Popat was not traceable since it was an old case and that most probably the receipt was mis-placed. Thus, the specific case of the concerned workman is that he deposited the amount of Rs. 15,493/- deducted from the workmen against festival advance with the Cashier Shri Popat some days after payment and that the amount was shown (i) in individual ledger and (ii) a New Duplicate Receipt Book. The Vigilance Officer seems to have brushed aside the case of the concerned workman by holding that it was detected on investigation that no New Duplicate Receipt Book was issued during this period. But there is no material on record to indicate the process of this investigation or the material based on which such investigation was based.

Shri Chattapadhyay (MW-3) admitted in domestic enquiry in cross-examination that during his visit to Balihari colliery he was shown ledger of each person i.e. workman. But at the time of hearing before this Tribunal he has tried to resile from the position by stating that it is not a fact that he stated in the departmental enquiry that when he visited Balihari Colliery individual ledgers of employees were shown to him and remarked that it has been incorrectly recorded that such ledgers were shown to him. In my view, there is no scope to suggest that he did not make such statement or that the Enquiry Officer recorded his statement incorrectly, for the answer of Shri Chattapadhyay was recorded in question and answered form which is gleaned hereinbelow from the translation as rendered and produced by the management :

"Question—When you had gone to the colliery, then you had been shown ledger of each person?"

Answer—Yes."

Shri Chattapadhyay has tried to save the position of the management by stating before this Tribunal that at the relevant time it was difficult to pin point as to what amount was deposited and what amount remained outstanding from a particular employee and that was why the colliery management was asked to maintain individual ledger on festival advance and that thereupon the colliery started maintaining festival advance ledger and Balihari colliery was one of such collieries which started maintaining such record. But the management has failed to produce the necessary directive issued to the colliery management for maintaining festival advance ledger. Shri Chattapadhyay could not produce any such directive issued to the colliery management. In view of his specific admission before the Enquiry Officer of his having been shown ledger of each employee of Balihari colliery, his subsequent statement before this Tribunal resiling from this statement and setting up of counter position that the colliery management was directed to maintain individual festival advance ledger as at the relevant time it was difficult to pin point as to what amount was deposited and what amount remained outstanding from a particular employee is considered to be an effort to prop up the case of the management to sustain the charge of misconduct against the concerned workman.

The next plank of the defence of the concerned workman is that he deposited the amount in question to Shri Popat, Cashier, through a duplicate Book. The management has produced the duplicate receipt book which has been marked Ext. M-7. This duplicate receipt book does not indicate that the concerned workman deposited the amount of Rs. 15,493 with the Cashier. But the question is whether there was existence of another duplicate receipt book. The Vigilance Officer has found on investigation that there was no existence of another duplicate receipt book. There is no knowing of the fact what sort of investigation he had made in arriving at this conclusion. Anyway, it appears from the evidence that duplicate receipt book is the primary and basic document through which the Pay Clerks use to make deposits with the Cashier. But the question is whether there existed another duplicate receipt book apart from duplicate receipt book produced by the management and marked Ext. M-7 and the result of enquiry upon consideration of evidence on record will determine whether the management has succeeded in fastening the liability on the concerned workman for his not depositing the amount in question with the Cashier.

12. According to Shri H. L. Popat (MW-2) the workers of Balihari colliery were granted festival advance on 1-12-1976 and the amount so advanced was to be recovered from the workers by 10/12 monthly instalments. His further evidence is that deduction on account of festival advance started in the month of January, 1977 from the wage-sheets of workmen. He has been constrained to admit in cross-examination that duplicate receipt book

(Ext. M-7), although in use in January, 1977, does not show the recovery of festival advance made in the month of January, 1977. There is no denying the fact that some recovery on account of festival advance was made from the workman of the colliery in January, 1977. Hence Ext. M-7 does not disclose the recovery of festival advance deposited in the month of January, 1977, Shri Popat was constrained to admit that may be simultaneously another book was in use and he may produce that book if available. He has further confirmed the position by stating that there may be another duplicate receipt book like Ext. M-7. In view of the evidence of Shri Popat the existence of another duplicate receipt book as asserted by the concerned workman cannot be ruled out and unless such book is produced, the liability of the concerned workman for his not having deposited the amount in question cannot be determined with assurance. The management did not produce the other duplicate receipt book. Shri R. S. Murthy has submitted that Shri Popat could not produce such receipt book because there was no existence of such book. But the submission of Shri Murthy cannot be accepted as a piece of evidence. Shri Popat who is one of the competent persons has not come forward to vouch for the fact that another duplicate receipt book could not be traced out. The other documents referred to by the management are Cash Book, Cash Details Book (Ext. M-6 and Festival Advance Register (Ext. M-8). It is in evidence that the entries in the Cash Book with regard to recovery of festival advance was prepared on the basis of duplicate receipt book. But this Cash Book has not been produced before me and even if it was produced, it might not have shown the deposit made by the Pay Clerk with the Cashier through another duplicate receipt book.

13. Anyway, upon consideration of evidence on record, I am constrained to hold that the management has failed to establish the charge of misconduct against the concerned workman for his not having deposited with the Cashier a sum of Rs. 15,493/- recovered from the time-rated workmen of Balihari Colliery in March, 1977; and other deductions and unpaid wages. This being so, the concerned workman should be reinstated in his service and in my view with 60% of back wages from the date of his dismissal from service till he joins his duty with continuity of service.

14. Accordingly, the following award is rendered—the action of the management of Balihari Colliery of Messrs Bharat Coking Coal Limited in dismissing from service Shri Bir Bahadur Singh, Clerk, from 24-4-1982 is not justified. The order of dismissing him from service is hereby set aside and the management is directed to re-instate him in service with 60% of back wages from the date of his dismissal from service till he joins his duty with continuity of service. The management is directed to re-instate him in service within one month from the date of publication of this award and the concerned workman is directed to report for duty within that period.

In the circumstances of the case, I award no cost.

S. K. MITRA, Presiding Officer

[No. L-20012/323/82-D.III(A) IR(Coal-I)]

K. J. DARA PRASAD, Desk Officer

नई दिल्ली, 27 अगस्त, 1990

का.आ. 2401—कर्मचारी राज्य बीमा निगम, 1948 (1948 का 34) की धारा 4 के अनुसरण में तथा भारत सरकार के श्रम मंत्रालय की अधिसूचना सं. का. आ. 545(ई) दिनांक 25 जलाई, 1985 के अतिरिक्त में केन्द्रीय सरकार इसके द्वारा यह निदेश देती है कि उक्त अधिनियम की धारा 3 की उपधारा (1) के अन्तर्गत सरकारी राजपत्र में इस अधिसूचना के प्रकाशित होने की तारीख से स्थापित कर्मचारी राज्य बीमा निगम में निम्नलिखित सदस्य शामिल होंगे, यथा:—

अध्यक्ष

(धारा 4 के खण्ड (क) के अन्तर्गत केन्द्रीय सरकार द्वारा नियुक्त)

1. श्रम तथा कल्याण मंत्री,
भारत सरकार, नई दिल्ली।

उपाध्यक्ष

(धारा 4 के खण्ड (ख) के अन्तर्गत केन्द्रीय सरकार द्वारा नियुक्त)

2. भारत सरकार के सचिव,
श्रम मंत्रालय, नई दिल्ली

समूह

(धारा 4 के खण्ड (ग) के अन्तर्गत केन्द्रीय सरकार द्वारा नियुक्त)

3. भारत सरकार के अपर सचिव,
श्रम मंत्रालय, नई दिल्ली।
4. वित्तीय सलाहकार, श्रम मंत्रालय, भारत सरकार,
नई दिल्ली
5. स्वास्थ्य सेवाओं के महानिदेशक, भारत सरकार, नई दिल्ली।
6. केन्द्रीय भविष्य निधि आयुक्त, कर्मचारी भविष्य निधि संगठन, नई दिल्ली।
7. महानिदेशक, कारखाना मालाह सेवा तथा श्रम
संरक्षण, नई दिल्ली।

- (धारा 4 के खण्ड (ब) के अंतर्गत राज्य सरकारों द्वारा नियुक्त)
8. आन्ध्र प्रदेश सरकार के सचिव,
स्वास्थ्य, चिकित्सा तथा परिवार कल्याण विभाग,
हैदराबाद।
 9. असम सरकार के सचिव,
श्रम तथा रोजगार विभाग, श्रम शाखा, दिसपुर।
 10. बिहार सरकार के आयुक्त तथा सचिव
श्रम विभाग, रोजगार व प्रशिक्षण, पटना।
 11. गोवा सरकार के आयुक्त, श्रम व रोजगार विभाग
पणजी, गोवा।
 12. गुजरात सरकार के सचिव
स्वास्थ्य तथा परिवार कल्याण विभाग, सचिवालय,
गांधी नगर।
 13. हरियाणा सरकार के सचिव, श्रम तथा रोजगार
विभाग, चण्डीगढ़।
 14. हिमाचल प्रदेश सरकार के आयुक्त-व-सचिव, श्रम
रोजगार विभाग, शिमला।
 15. श्रम आयुक्त, जम्मू व काश्मीर सरकार
श्रीनगर (मई से अक्टूबर) जम्मू (नवंबर से अप्रैल)
 16. कर्नाटक सरकार के सचिव, सामाजिक कल्याण तथा श्रम
विभाग, बंगलौर।
 17. केरल सरकार के आयुक्त तथा सचिव, श्रम व पुनर्वास
विभाग, त्रिवेंद्रम।
 18. मध्य प्रदेश सरकार के मुख्य सचिव या सचिव, श्रम विभाग,
भोपाल।
 19. महाराष्ट्र सरकार के सचिव, चिकित्सा शिक्षा तथा औषधि
विभाग, बंबई।
 20. मेघालय सरकार के आवासीय आयुक्त, 9 औरंगजेब रोड,
नई दिल्ली।
 21. उड़ीसा सरकार के आयुक्त-व-सचिव, श्रम व रोजगार
विभाग, भुवनेश्वर।
 22. पंजाब सरकार के वित्तीय आयुक्त व सचिव, स्वास्थ्य व
परिवार कल्याण विभाग, चंडीगढ़।
 23. राजस्थान सरकार के सचिव, श्रम विभाग, जयपुर।
 24. तमिलनाडु सरकार के सचिव, श्रम तथा रोजगार विभाग,
मद्रास।
 25. उत्तर प्रदेश सरकार के सचिव श्रम विभाग, लखनऊ।
 26. पश्चिम बंगाल सरकार के सचिव, श्रम विभाग, कलकत्ता।
(धारा 4 के खंड (क) के अंतर्गत केन्द्रीय सरकार द्वारा
नियुक्त)
 27. पांडिचेरी सरकार के सचिव, श्रम विभाग, पांडिचेरी।
(इस उद्देश्य के लिए केन्द्रीय सरकार द्वारा मान्यताप्राप्त
 - नियोजक के संगठनों के साथ विचार-विमर्श करने के बाद
धारा 4 के खंड (च) के अंतर्गत केन्द्रीय सरकार द्वारा
नियुक्त)
 28. श्री ए एस कामजीबाल, अध्यक्ष
मैसर्स एस. कुमार एंटरप्राइजिज (मिफेक्स) प्राईवेट लि,
निरंजन बिल्डिंग, 99 मेरीन ड्राईव, बम्बई-400002
 29. श्री डी. डी. पुरी, अध्यक्ष
इंडियन गृपर एंड जनरल इंजीनियरिंग कॉर्पोरेशन, पारस
मिनेमा बिल्डिंग, नेहरू प्लेस, नई दिल्ली
 30. श्री एम. के. गर्ग, 668/पाकॉट "सी" गंगोत्री इन्क्लव
अलकनन्दा (एम.एफ.एस.) कालकाजी, नई दिल्ली
 31. श्री ए. टी. साहनी, वरिष्ठ महाप्रबंधक खनिज एवं धातु
व्यापार निगम 1 स्कूप, काम्पलैक्स, लोधी रोड,
नई दिल्ली-110003
 32. श्री आर. के. भोमिक, महासचिव (कामिक), इंडियन
आक्सिजन लि., पी. 43 तारगटोला रोड, कलकत्ता-
700088
 33. श्री एम. के. बघावन,
बी-6, पंचशील इंकलेव नई दिल्ली-110017
 34. श्री आर. सी पांडे, सचिव
अखिल भारतीय नियोजक संगठन, कैडरेशन हाऊस,
तानसेन मार्ग, नई दिल्ली।
 35. श्री एस. के. नन्दा,
महासचिव, भारतीय नियोजक संघ आर्मी नेवी बिल्डिंग,
148, महात्मा गांधी रोड, बम्बई-400023
 36. प्रोफेसर वी. पी. कामथ, "डींग महल"
171-शिवाजी पार्क, रोड नं. 5, बम्बई-400016
 37. श्री पी. वी. दुग्गल,
ई-222, न्यू राजिंदर नगर, नई दिल्ली-110060
(इस उद्देश्य के लिए बनाई केन्द्रीय सरकार द्वारा मान्यताप्राप्त
कर्मचारी संगठनों के विचार-विमर्श में धारा 4 के खंड (ख)
के अंतर्गत केन्द्रीय सरकार द्वारा नियुक्त)
 38. श्री जी. वी. चिटनिस, महासचिव,
महाराष्ट्र स्टेट कमेटी आफ आईटक,
17 दलवी बिल्डिंग, डा. अम्बेडकर रोड, पारले ताका,
बम्बई-400012
 39. श्री रामभाऊ डी. जोशी
38 वामुदेव नगर, इंडौर-452004
 40. श्री सरोज कुमार मिश्रा, अध्यक्ष
भारतीय मजदूर संघ, उड़ीसा स्टेट, ज्ञानविद्या पट्टी, कटक-
753009

41. श्री एस. बी. गोले, महासचिव,
भारतीय राष्ट्रीय नगर पालिका एवं स्थानीय निकाय,
कर्मकार संघ (इन्टक) कामगार कार्यालय, लेमिंगटन रोड
टोपीवाला लेन बम्बई-400007
42. श्री एन. एम. अध्यानथापा, अध्यक्ष
“इन्टक” कर्नाटक शाखा, पिनटोज लेन, मैंगलोर
43. श्री तारा सिंह बियोगी
सचिव इन्टक-20 विकास नगर,
ग्वालियर।
44. श्री रामचन्द्र कुंतियां, एम.एल.ए.
अध्यक्ष, इंटक, उड़ीसा ब्रांच,
एफ-8/1, एम.एल.ए. कालोनी,
भुवनेश्वर, उड़ीसा
45. श्री संनत दसा,
अध्यक्ष, यू.टी.यू.सी. (एल. एस.), पश्चिम बंगाल शाखा,
77/2/1, लेनिन सरानी, कलकत्ता-700013
46. श्री वसंत खानेकर, महासचिव
केमिकल मजदूर सभा, 115 मत्यागिरी मदन,
दादासाहेब फालके रोड, दादर, बम्बई-400014
47. श्री काली घोष, मार्फत पश्चिम बंगाल स्टेट कमेटी ग्राफ
सीट
53, आचार्य जे. सी. ब्रोम रोड,
कलकत्ता-700016
- (इस उद्देश्य के लिए केन्द्रीय सरकार द्वारा मान्यता प्राप्त
मेडिकल प्रैक्टीशनर के संगठन के साथ विचार-विमर्श करने पर
धारा 4 के खंड (ज) के अंतर्गत केन्द्रीय सरकार द्वारा नियुक्त)
48. डा. ए. जे. गैलट
225-ए, शिवाजी नगर, एन. एम. जॉशी मार्ग, बम्बई
49. कविराज जी. एल. चानना
ए-24 कृष्णा नगर एक्सटेंशन
पटपड़गंज रोड, दिल्ली-110051
- (धारा 4 के खंड (i) के अंतर्गत संसद द्वारा चुना हुआ)
50. श्री के. रामामूर्ति, संसद सदस्य (लोक सभा)
93-95, नार्थ एब्रेव्यू, नई दिल्ली
(स्थायी पता—कृष्ण हलाम
शंगवी नगर, नार्थ अलगापुरम, मासेम, तमिलनाडु)
51. श्री तरित बरन नापदार, संसद सदस्य (लोक सभा)
509, विठलभाई पटेल हाऊस, नई दिल्ली-110001
(स्थायी पता—नेवचंदनदुर्ग
(जिला-24 परगनाय, पश्चिमी बंगाल)
52. श्री पर्वत कुमार सामन्ते, संसद सदस्य (राज्य सभा)
112, उड़ीसा निवास, नई दिल्ली
(स्थायी पता—गांव तथा डाकघर शशनीपारा,
बाया मारशाघई जिला कटक)

(धारा 4 के खंड (ण) के अंतर्गत नियुक्त)

53. महानिदेशक (पदेन सदस्य)
कर्मचारी राज्य बीमा निगम
कोटला रोड, नई दिल्ली

[फाईल संख्या यू-16012/7/89-एस.एस. 1]
शशी जैन, संयुक्त सचिव

New Delhi, the 27th August, 1990

S.O. 2401.—In pursuance of section 4 of the Employees' State Insurance Act, 1948 (34 of 1948) and in supersession of the notification of the Government of India in the Ministry of Labour number S.O. 545(E) dated the 25th July, 1985, the Central Government hereby directs that the Employees State Insurance Corporation established under sub-section (1) of section 3 of the said Act shall, with effect from the date of publication of this notification in the Official Gazette, consist of the following members, namely :—

CHAIRMAN

(Appointed by the Central Government under clause (a) of section 4)

1. Minister of Labour and Welfare,
Government of India,
New Delhi.

VICE CHAIRMAN

(Appointed by the Central Government under clause (b) of section 4)

2. Secretary to the Government of India,
Ministry of Labour,
New Delhi.

MEMBERS

(Appointed by the Central Government under clause (c) of section 4)

3. Additional Secretary to the Government of India,
Ministry of Labour,
NEW DELHI.
4. Financial Adviser,
Ministry of Labour,
Government of India,
NEW DELHI.
5. Director General of Health Services,
Government of India,
NEW DELHI.
6. Central Provident Fund Commissioner,
Employees' Provident Fund Organisation,
NEW DELHI.
7. Director General,
Factory Advice Service and Labour Institute,
BOMBAY.

(Appointed by the State Governments under clause (d) of section 4)

8. Secretary to the Government of Andhra Pradesh,

- | | |
|--|--|
| Health, Medical and Family Welfare Department, HYDERABAD. | 23. Secretary to the Government of Rajasthan, Labour Department, JAIPUR. |
| 9. Secretary to the Government of Assam. Labour and Employment Department. Labour Branch, DISPUR. | 24. Secretary to the Government of Tamil Nadu, Labour and Employment Department. MADRAS. |
| 10. Commissioner and Secretary to the Government of Bihar, Department of Labour, Employment and Training, PATNA. | 25. Secretary to the Government of Uttar Pradesh, Labour Department, LUCKNOW. |
| 11. Commissioner to the Government of Goa, Labour and Employment Department, PANJI, GOA. | 26. Secretary to the Government of West Bengal, Labour Department, CALCUTTA. |
| 12. Secretary to the Government of Gujarat, Health and Family Welfare Department, Sachivalaya, GANDHINAGAR. | (Appointed by the Central Government under clause (c) of section 4) |
| 13. Secretary to the Government of Haryana, Labour and Employment Department, CHANDIGARH. | 27. Secretary to the Government of Pondicherry, Labour Department, PONDICHERRY. |
| 14. Commissioner-cum-Secretary to the Government of Himachal Pradesh, Labour and Employment Department, SIMLA. | (Appointed by the Central Government under clause (f) of section 4 in consultation with organisations of employers recognised by the Central Government for the purpose) |
| 15. Labour Commissioner, Government of Jammu and Kashmir. Srinagar (from May to October), Jammu (from November to April) | 28. Sh. A. S. Kasliwal, Chairman, M/s. S. Kumar Enterprises (Synfabs) Pvt. Ltd., Niranjan Bldg., 99 Marine Drive, BOMBAY. 400002. |
| 16. Secretary to the Government of Karnataka, Social Welfare and Labour Department, BANGALORE. | 29. Sh. D. D. Puri, Chairman, Indian Sugar and General Engineering Corporation, Paras Cinema Building, Nehru Place, NEW DELHI. |
| 17. Commissioner and Secretary to the Government of Kerala, Labour and Rehabilitation Department, TRIVANDRUM. | 30. Sh. M. K. Garg, 668/Pocket "C", Gangotri Enclave, Alaknanda (SFS) Kalkaji, NEW DELHI. 110019. |
| 19. Principal Secretary or Secretary to the Government of Madhya Pradesh, Labour Department, BHOPAL. | 31. Sh. A. T. Sawhney, Sr. General Manager, Minerals and Metals Trading Corporation, SCOPE Complex, Lodhi Road, NEW DELHI. 110003 |
| 19. Secretary to the Government of Maharashtra, Medical Education and Drugs Department, BOMBAY. | 32. Sh. T. K. Bhaumik, General Secretary (Personnel), Indian Oxygen Ltd., P-43 Taratolla Road, CALCUTTA-700088 |
| 20. Resident Commissioner to the Government of Meghalaya, 9-Aurangzeb Road, NEW DELHI. | 33. Sh. S. K. Wadhawan, B-6 Panchsheel Enclave, NEW DELHI. 110017 |
| 21. Commissioner-cum-Secretary to the Government of Orissa, Labour and Employment Department, BHUBNESHWAR. | 34. Sh. R. C. Pandey, Secretary, All India Organisation of Employers, Federation House, Tansen Marg, NEW DELHI. 110001 |
| 22. Financial Commissioner and Secretary to the Government of Punjab, Department of Health and Family Welfare, CHANDIGARH. | |

35. Sh. S. K. Nanda,
Secretary-General,
Employers Federation of India,
Army and Navy Building,
148-Mahatma Gandhi Road,
BOMBAY-400023

36. Prof. V. B. Kamath,
"Hira Mahal",
171-Shivaji Park,
Road No. 5,
Bombay-400016.

37. Sh. P. B. Duggal,
E-222-New Rajinder Nagar,
NEW DELHI-110060.

(Appointed by the Central Government under clause (g) of section 4 in consultation with the organisations of employees recognised by the Central Government for the purpose)

38. Sh. G. V. Chitnis,
General Secretary,
Maharashtra State Committee of AITUC,
17 Balvi Building,
Dr. Ambedkar Road,
Parel Naka,
BOMBAY-400012.

39. Sh. Rambhau D. Joshi,
38 Vasudev Nagar,
INDORE-452004.

40. Sh. Saroj Kumar Mitra,
President,
Bharatiya Mazdoor Sangh,
Orissa State,
Jaunlia Patti,
CUTTACK-753009.

41. Sh. S. V. Gole,
General Secretary,
Indian National Municipal and Local Bodies
Workers Federation (INTUC). Kamgar
Karyalaya,
Lamington Road,
Topiwala Lane,
BOMBAY-400007.

42. Sh. N. M. Adyanthaya,
President,
INTUC Karnataka Branch,
Pintos Lane,
MANGALORE.

43. Sh. Tara Singh Viyogi,
Secretary,
INTUC, 20-Vikas Nagar,
GWALIOR.

44. Sh. Ramchandra Kuntia, MLA
President,
INTUC Orissa Branch,
F-8/1, MLA Colony, Bhubaneswar,
ORISSA.

45. Sh. Sanat Dutta,
President, UTUC(LS),
West Bengal Branch,

77/2/1-Lenin Sarani, C
CALCUTTA-700013.

46. Sh. Vasant Khanolkar,
General Secretary,
Chemical Mazdoor Sabha,
115-Satyagiri Sadan,
Dadasaheb Phalke Road, Dader,
BOMBAY-400014.

47. Sh. Kali Ghosh,
C/o West Bengal State Committee of CITU
53, Acharya J. C. Bose Road,
Calcutta-700016.

(Appointed by the Central Government under clause (h) of section 4 in consultation with the organisations of medical practioners recognised by the Central Government, for the purpose)

48. Dr. A. J. Shelat,
225-A, Shivaji Nagar,
N. M. Joshi Marg,
BOMBAY.

49. Kaviraj G. L. Chanana,
A-24, Krishna Nagar Extension,
Patparganj Road,
NEW DELHI-110051.

(Elected by the Parliament under clause (i) of section 4)

50. Sh. K. Ramamurthy,
Member of Parliament(LS).
93-95, North Avenue,
NEW DELHI.
(Permanent address : Koothar Illam,
Thangaval Nagar, North Algepuram,
Salem-Tamil Nadu).

51. Sh. Tarit Baran Topder,
Member of Parliament (Lok Sabha),
509-Vithal Bhai Patel House,
New Delhi-110001.
(Permanent address : Nenohandanpukur,
District-24 Parganas-West Bengal)

52. Sh. Pravat Kumar Samantaray,
Member of Parliament (R.S.)
112-Orissa Niwas,
NEW DELHI.
Permanent address : Village & Post Office
Shasanipara. Via Marahaghai District
Cuttack)

(Appointed under clause (j) of section 4)

53. The Director General, Ex-officio
Employees State Insurance Corporation,
Kotla Road,
NEW DELHI

[F. No. U-16012/7/89-SS.I]
SHASHI JAIN, Jt. Secy.

नई दिल्ली, 31 अगस्त 1990

का.आ. 2402 :—औद्योगिक विवाद अधिनियम, 1947
(1947 का 14) की धारा 17 के अनुसूचन में, केन्द्रीय
सरकार भारतीय जीवन बीमा निगम के प्रबन्धतंत्र के संबंध

निर्वाहकों और उनके कर्मचारियों के बीच, अनुवृत्त में निर्दिष्ट औद्योगिक विवाद में केंद्रीय सरकार औद्योगिक अधिकरण, बम्बई के पंचपद की प्रकाशित करती है, जो केंद्रीय सरकार को 21-5-90 प्राप्त हुआ था।

New Delhi, the 31st August, 1990

S.O. 2402.—In pursuance of Section 17 of the Industrial Dispute Act, 1947 (14 of 1947), the Central Government hereby publishes the award of the Central Government Industrial Tribunal Bombay, as shown in the Annexure in the Industrial dispute between the employers in relation to the Management of Life Insurance Corporation of India and their workmen, which was received by the Central Government on the 21-8-90.

**BEFORE THE CENTRAL GOVERNMENT
INDUSTRIAL TRIBUNAL NO. 2, BOMBAY
PRESENT**

Shri P. D. Apshankar, Presiding Officer.

REFERENCE NO. CGIT-250 OF 1987

PARTIES :

Employer in relation to the Management of Life Insurance Corporation of India and

Their workmen.

APPEARANCES :

For the Employer.—Shri P. N. Sheth, President, All Gujarat Industries & Employers' Association.

For the workmen.—Shri K. M. Rami, General Secretary, LIC Employees' Union.

INSURANCE : Life Insurance.
STATE : Gujarat.

Bombay, dated the 18th July, 1990

AWARD

The Central Government by their order No. L-17012/10/87-D.IV(A) dated 22-9-1987 have referred the following industrial dispute to this Tribunal for adjudication under Section 10(1)(d) of the Industrial Disputes Act :—

“Whether the action of the Sr. Divisional Manager, LIC of India Ahmedabad, in terminating the services of Shri V. J. Darji, Assistant, is justified? If not, to what relief the workman is entitled?”

2. The case of the above said workman as disclosed from the statement of claim (Ex.9/W) filed on his behalf by the General Secretary, Western Zone Insurance Employees Association, in short, is thus :—

The above said workman Shri V. J. Darji was appointed as a Trainee Assistant at Sidhpur Branch of the Ahmedabad Divisional Office of L.I.C. for three months from 11-4-1985 to 10-7-1985. He was then

appointed as a Probationary Assistant with effect from 11-7-1985 by letter dated 15-7-1985. As such he was in continuous service from 11-4-1985. He was governed by L.I.C. Staff Regulations, 1960, and by other instructions and orders. He was also informed that his confirmation in the service was subject to his satisfactory performance of work, and that his probationary period would normally be of six months. He was informed by letter dated 15-7-1985 that during his probationary period he was liable to be discharged without notice and without any cause. Even by letter dated 10-4-1985 he was informed that even during the training period he was liable to be discharged without any notice and without any cause.

(ii) The said workman, while he was on probation, was on leave 2-9-1985 to 4-12-1985 on the ground of his sickness, and he had sent the necessary letters in that respect to the management. However, by letter dated 28-11-1985 sent by the Senior Divisional Manager he was informed that his services were terminated with effect from 28-11-1985 as he was not attending his duty from 6-9-1985. On 3-2-1986 the workman submitted an appeal to the Zonal Manager, but it was not forwarded to him by the competent authority. Thereafter the workman approached the Union, and thereafter the Central Government referred the present industrial dispute to this Tribunal.

3. The workman then alleged thus :—

The Life Insurance Corporation of India (Staff) Regulations 1960 are statutory in nature, and as such the L.I.C. management is not vested with arbitrary powers to discharge an employee without notice and without cause. Therefore, the action of the L.I.C. management in terminating his service is bad in law, and not in terms of the said regulations. His services were terminated during his probationary period, and after he had put in seven months' service. The L.I.C. management was duty bound to keep him on probation till he completed the probationary period of six months, commencing from 11-7-1985. The workman was not given proper opportunity to give his say before his services were terminated by the management. The said letter dated 28-11-1985 terminating his services should have been sent with a copy of the order of the competent authorities. This was not done in the present case. As such the so-called order is not binding upon him. His appeal was not forwarded to the proper authority, and as such the L.I.C. management had bias against him. He was within his right to remain absent during the period of probation. He had submitted his necessary applications about

his leave well in advance. His leave was also sanctioned by the letters dated 17-10-1985 and 30-11-1985. The management had sanctioned him leave upto 5-11-1985. As such the statement in the letter dated 28-11-1985 by the management that he was not attending the duties since 6-9-1985 is not true and correct.

4. The workman then further alleged thus :—

During the period when the services of the workman were abruptly and arbitrarily terminated on 28-11-1985 the National Industrial Tribunal was seized of Reference No. NTB-1 of 1985, and as such the L.I.C. management should have obtained approval regarding their action from the Tribunal. However, the mandatory provisions in that respect were not followed by the L.I.C. management in the present case, and as such his termination of service by the management is bad in law. His termination of service amounts to retrenchment from service and the L.I.C. management did not comply with the necessary provisions of the Industrial Disputes Act in that respect. He was not paid his wages before terminating his services without notice or without paying the wages in lieu of notice. The workman, therefore, prayed that this Tribunal should hold the action of the L.I.C. management in terminating the services of workman with effect from 20-11-1985 as bad in law and illegal and the L.I.C. management be directed to reinstate him in service with full back wages and continuity of service.

5. The L.I.C. management by their written statement Ex.2/M opposed the claim of the Union and in substance contended thus :—

The said workman was appointed as a Trainee Assistant on 10-4-1985. On completion of his training period of three months, he was appointed as a Probationary Assistant with effect from 11-7-1985 by letter dated 15-7-1985. As per para 5 of the said letter of appointment, his confirmation in service was subject to his satisfactory performance of work during the probationary period, which was normally of six months. Soon after he was placed on probation he applied for permission to pursue part-time studies for D. Tax. Course examination, which was to take place in September/October 1985. He was granted permission with the conditions that he would not be entitled to any leave for the preparation for the examination, and that his preparation for the said course, should not effect his office work.

6. The L.I.C. management then further contended thus :—

In violation of the provisions of the said letter dated 3-8-1985 and the Staff Regulations

1960, the workman did not report for duty from 6-9-1985. He, however, sent a letter to the Branch Manager that as his father was not keeping good health and for some other reasons she was not in a position to attend office till 5-11-1985, and as such he be granted leave till 5-11-1985. The workman did not pay any heed to the stipulations in his contract of service, thus :—He could not absent himself from his duty except for one day's casual leave in case of unforeseen emergency & without having obtained the permission of the competent authority, that sanction of leave may not be presumed, and the leave asked for should not be availed of unless it has been actually sanctioned. In the above said circumstances the case of the said workman was referred to the Senior Divisional Manager, Ahmedabad Divisional Office, i.e. the competent authority. The Senior Divisional Manager by his letter dated 30-10-1985 informed the workman that there was no leave to his credit, that the reasons given were not satisfactory, his absence would be treated as extra-ordinary leave on loss of pay. He was further directed to resume duty immediately, failing which appropriate action would be taken against him. However, the workman did not resume his duties even after the receipt of the said letter dated 30-10-1985 by him. Therefore, in terms of the provisions contained in para 6 of the letter of his appointment, his services were terminated by the competent authority with effect from 28-11-1985 during his period of probation. Therefore, the action of the L.I.C. management in terminating the services of the said workman is quite legal and proper. The L.I.C. management therefore prayed for the rejection of the prayer of the workman.

7. Issues framed at Ex.24 are :—

- (1) Whether the termination of the services of the workman Shri V. G. Darjee by the management of L.I.C. is in contravention of the LIC (Staff) Regulations, 1960, illegal, and unjustified ?
- (2) Whether the management of LIC should have obtained the approval from the National Industrial Tribunal regarding their action of the termination of service of the said workman ?
- (3) If so, whether the said termination is bad in law in the absence of approval by that Tribunal ?
- (4) Whether the termination of the service of the said workman by the management amounted to his retrenchment ?
- (5) If so, whether the management has not complied with the necessary provisions of the I.D. Act ?

- (6) Whether the LIC management was justified in terminating the services of the said workman under Regulation 14 of the LTC (Staff) Regulations, 1960, and under the provisions of para 6 of his letter of appointment ?
- (7) If not, to what relief the said workman is entitled ?
- (8) What Award ?

8. My findings on the said Issues are :—

- (1) No
- (2) No
- (3) No
- (4) No
- (5) Does not survive.
- (6) Yes
- (7) Nil
- (8) As per final order below.

ISSUE NO. 1

REASONS

9. The workman filed his affidavit (Ex. 26[W]). He was cross-examined on behalf of the management. The L.I.C. management did not lead any oral evidence. Both the parties relied upon different documents produced in this case, which are thus :—

Ex.3[M] is a copy of the letter dated 10-4-1985 under which the workman Shri Darji was selected for training for a period of three months. After successful completion of the training period, he was placed on probation as an Assistant. The said letter dated 10-4-1984 clearly stated that during the training period, the L.I.C. of India (Staff) Regulations, 1960, were not to apply to him and he would be bound by the oral or written instructions and orders issued by the L.I.C. management. That letter further stated that during the training period he was not entitled to any leave of any nature. Thus the workman was to be under training from 10-4-1985 to 10-7-1985. By letter dated 15-7-1985 Ex.4[M] the workman was appointed on probation as an Assistant with effect from 11-7-1985. He was informed that he was thereafter to be governed by the L.I.C. of India (Staff) Regulations, 1960, and also by the oral or written orders and instructions of the L.I.C. Management. He was to be on probation normally for a period of six months which might be extended or might be reduced, depending upon his performance. Para 5 of this letter dated 15-7-1985 (Ex.4[M]) clearly stated that during the probationary period he was liable to be discharged without notice and without any cause being assigned to him for such discharge. As per para.11 of this letter, he was informed that he was not to be allowed to undertake any part-time studies unless sanctioned in writing by the authority competent to give such permission. While his probation period stated from 11-7-1985, on 30-7-1985 he

made an application (Ex.29[M]) to the Branch Manager, LIC of India, Siddhpur that he intended to complete the 8th Semester of B.Text Tech course, and that he be granted the necessary permission in that respect. By the letter dated 3-8-1985 (Ex.5[M]) the Branch Manager, LIC granted the necessary permission to prosecute the part-time study and to appear at the B.Text. Examination to be held in September/October 1985. However, he was further informed that he would not be entitled to any leave for the preparation of study, and that he would be allowed leave only for the days of examination, and that prosecution of his studies was not to affect the day to day working of the LIC. Thus it is quite clear that even though the workman was placed on probation for a period of six months, he was more interested in pursuing his study for the said technical course.

10. It is seen from the record that during the period of probation the workman went on sending applications for leave from time to time, even though no leave was to his credit. These applications are thus :—

On 31-8-1985 he made an application (Ex.12[W]) to the Branch Manager requesting for leave from 2-9-1985 to 25-9-1985 on the ground of his personal work with pay, and then leave without pay upto 30-9-1985. By his further letter dated 25-9-1985 (Ex.13[W]) the workman again applied for leave stating that as his father was not keeping good health and also for some other personal reasons, he was not in a position to attend the office till 5-11-1985, and requested the Manager of the L.I.C. to sanction him further leave without pay upto 5-11-1985. Thereafter on 14-11-1985 he again applied (Ex. 14[W]) to the Manager for leave on the ground that his father was not keeping good health, and also to enable him to attend B. Text examination starting on 19-11-1985 and further stated that the theory examination would be over by 23-11-1985 and thereafter his practical examination was to take place two to three days thereafter. On 26-11-1985 he again applied (Ex. 15[W]) to the Manager of LIC stating that his above said examination was over, that the practical examination was to start and would be over on 4-12-1985, that he would resume his duties on 5-12-1985, and as such he be granted leave upto 4-12-1985.

11. The L.I.C. management sent the replies thus :

By letter dated 17-10-1985 (Ex.17[W]) the Branch Manager had informed the workman that leave without pay for 20 days upto 25-9-1985 was sanctioned to him, but he did not, however, resume his duties, that, though he had applied further leave

without pay upto 5-11-85 the L.I.C. management could not accede to his request, and that the workman should resume his duties immediately, failing which the matter would be considered seriously.

By the letter dated 30-12-1985 (Ex.218/W) the senior Divisional Manager of L.I.C. informed the workman that as regards his application dated 25-9-1985 for leave from 6-9-1985 to 5-11-1985, as no leave was at his credit, and the reasons for the leave were not satisfactory, it was decided to treat his absence as extraordinary leave on loss of pay for the said period. He was further informed by that letter that he should resume his duties immediately on receipt of that letter, failing which the management would have to take appropriate action against him as deemed fit. However, it is seen that in spite of the said two letters, the workman did not resume duty accordingly. By the letter dated 2-11-1985 (Ex.19/W), the Senior Divisional Manager informed the workman that as he was not attending his duties since 6-9-1985 in spite of repeated reminders to him, the competent authority had decided to terminate his services with effect from 28-11-1985. As such his services come to an end on 28-11-1985.

12. Thereafter the workman had made representation i.e. Appeal, to the Zonal Manager of the L.I.C. However, the Senior Divisional Manager of the L.I.C. by his letter dated 17-2-1986 (Ex.20/1) informed the workman that the Competent authority had decided not to forward his representation to the Zonal Manager. However, this letter was sent by the Senior Divisional Manager after the actual termination of service of the workman with effect from 28-11-1985.

13. As noted above, the clause 6 of the letter dated 15-7-1985 (Ex. 11/W) of the L.I.C. regarding the appointment of workman as probationer, clearly stated that during the probationary period he was liable to be discharged without notice or without any cause being assigned for such discharge. Admittedly, the workman was then governed by the L.I.C. of India (Staff) Regulations, 1960. As per clause (3) of Regulation 14 of the said Regulations, during the period of probation an employee shall be liable to be discharged from service without any notice. Even though in the present case the workman was being informed from time to time not to remain absent and to resume his duties immediately, he did not do so. Further, the workman was discharged as he was not attending to his duties and was remaining absent from time to time for a long period. Therefore, the action of the L.I.C. management in discharging the workman from service is quite covered by clause 6 of the said letter dated 15-7-1985 (Ex.11/W) and also by Regulation 14(4) of the L.I.C. of India (Staff) L.I.C. management in terminating the services of Shri V. G. Darjee is quite just, legal and proper. Issue No. 1 is, therefore, found in the negative.

Issues Nos. 2 and 3

14. According to the workman at the time of termination of his services a reference bearing No. NIB-1 of 1985 was pending before the National Industrial Tribunal, and as such the management should have obtained approval of that Tribunal before the termination of the service that such approval was not obtained, and hence his termination of the service by the management is bad in law. Now, absolutely no documentary evidence has been produced by the workman in that respect. We do not know anything, in the absence of production of the true copy of the Reference before the National Industrial Tribunal, about the terms and conditions of that reference. Under Section 33(1)(b) of the Industrial Disputes Act, during the pendency of any proceeding before the Tribunal or National Tribunal in respect of an industrial dispute, no employer shall for any misconduct connected with the dispute, discharge or punish, whether by dismissal or otherwise, any workman concerned in such dispute, save with the express permission in writing of the authority before which the proceeding is pending. Therefore, it must be proved that the workman was concerned with the dispute. On this point there is absolutely no oral or documentary evidence on record. Therefore, in the absence of the necessary evidence on record, the said contention of the workman cannot be acceded and considered. Issues Nos. 2 and 3 are, therefore, found in the negative.

Issues Nos. 4 and 5

15. According to the workman, his termination of service by the management amounted to retrenchment, that the L.I.C. management did not comply with the necessary provisions of law regarding retrenchment, and as such, his termination is bad in law. In order that a workman can be said to have been wrongfully retrenched from service, it is necessary that he was in continuous service for 240 days during the period of one year as contemplated under Section 25-B of the Industrial Disputes Act. In the present case, the workman was appointed on probation on 11-7-1985, and his services were terminated on 28-11-1985. Even assuming that he was attending to his duties during the said period, the total number of days of the said period comes to only 232 days. As such, the provisions of Sections 25-B and 25-F of the Industrial Disputes Act are not attracted in the present case. Further, as admitted by the workman in his cross-examination during the period of probation he was on duty only for two months. As such there was no question of complying with the provisions of Sections 25-B and 25-F of the I.D. Act. Issue No. 4 is therefore found in the negative. As such Issue No. 5 does not survive.

Issues Nos. 6 and 7

16. In the result, the action of the L.I.C. of India management in terminating the services of the said workman under Regulation 14 of the L.I.C. of India (Staff) Regulations, 1960, and under the provisions of para. 6 of his letter of appointment is quite just and proper. Issue No. 6 is found in the positive. As such, the workman is not entitled to any relief. Issue No. 7 is found accordingly.

17. It is seen from the cross-examination of the workman that he has passed his S. Tax, examination. However, he succeeded at the cost of using L.I.C. service. Therefore, he may try for a better service elsewhere, or he may try for fresh appointment in L.I.C. of India.

18. In the result, the following Award is passed.

AWARD

The action of the Sr. Divisional Manager, LIC of India, Ahmedabad, in terminating the services of Shri V. J. Darji, Assistant, is justified.

The parties to bear their own costs of this reference.

Dated 18-7-1990

P. D. APSHANKAR, Presiding Officer.

[No. L-12012/10/87-D.IV(A)IRE(II)]

V. K. VENUGOPALAN, Desk Officer

(डब्ल्यू-II (सी) अनुभाग)

नई दिल्ली, 23 अगस्त, 1990

का. आ. 2403.—बीड़ी कर्मकार कल्याण निधि नियमावली, 1978 के नियम 3 के उप नियम (2) के साथ पठित बीड़ी कर्मकार कल्याण निधि अधिनियम, 1976 (1976 का 62) की धारा 5 द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए तथा श्रम मंत्रालय, भारत सरकार की दिनांक 14 सितंबर, 1984 की अधिसूचना संख्या का. आ. 3134 तथा जो भारत के राजपत्र के भाग-II, खंड 3 उपखंड (ii) में दिनांक 29 सितंबर, 1984 को प्रकाशित हुई थी के अधिक्रमण में, केन्द्रीय सरकार इसके द्वारा बिहार राज्य के लिए सलाहकार समिति गठित करती है जिसमें निम्नलिखित सदस्य होंगे, अर्थात् :—

1. श्रम मंत्री, —अध्यक्ष
रोजगार व प्रशिक्षण,
बिहार सरकार।

2. कल्याण आयुक्त, —उपाध्यक्ष
श्रम कल्याण संगठन, श्रम मंत्रालय,
भारत सरकार, कर्मा, डाकघर मर्मगितलैय,
जिला हजारीबाग, बिहार।
3. श्री जय प्रकाश यादव, राज्य विधान सभा के
विधान सभा सदस्य, खडगपुर, प्रतिनिधि
जिला मुंगेर।
4. श्रम आयुक्त, राज्य सरकार के
बिहार सरकार पटना प्रतिनिधि
5. श्री कृष्ण कुमार मंडल,
महामन्त्री, मंत्रालय परगना बीड़ी
कर्मकार संगठन, चाकुर साहिब गंज
6. श्री मंगल प्रसाद, अध्यक्ष
मिथभूम बीड़ी मजदूर सभा
चक्रधरपुर (मिथभूम) कर्मचारियों के प्रतिनिधि
7. श्री चिमन भाई पटेल, अध्यक्ष,
चक्रधरपुर बीड़ी एंड टेबेको मर्चेंट्स
एसोसिएशन चक्रधरपुर (मिथभूम)।
8. श्री एस. एस. कमल हसन,
महा प्रबंधक,
मैमर्स एम. के. नमूस्हीन बीड़ी मर्चेंट,
मालगंज बिहार शरीफ, नालंदा। नियोजकों के प्रतिनिधि
9. कुमारी श्यामा देवी महिलाओं के प्रतिनिधि
विधान सभा के भूतपूर्व सदस्य
एम. आई. जी., कंकरवाग कालोनी
पटना।
10. कल्याण प्रशासक, श्रम कल्याण संगठन —सचिव/
श्रम मंत्रालय, भारत सरकार, मुजफ्फरपुर।
2. केन्द्रीय सरकार कर्मा, जिला हजारीबाग, बिहार को सलाह-
कार समिति का मुख्यालय नियत करती है।

[सं-यू. 19012/5/87-क०-II(सी)]

बी. डी. नागर, अवसर सचिव

(W-II(C)—Section)

New Delhi, the 23rd August, 1990

S.O. 2403.—In exercise of the powers conferred by Section 5 of the Beedi Workers Welfare Fund Act, 1976 (62 of 1976) read with sub-rule (2) of rule 3 of the Beedi Workers Welfare Fund Rules, 1978 and in supersession of the notification of the Government of India in the Ministry of Labour number S.O. 3134 dated the 14th September, 1984 and published in the Gazette of India, Part II, Section 3, Sub-section(ii) dated the 29th September, 1984, the Central Government hereby constitutes the Advisory Committee for the State of Bihar consisting of the following members, namely:—

1. Minister of Labour
Employment and Training,
Government of Bihar.

—Chairman

- | | |
|---|---|
| 2. Welfare Commissioner,
Labour Welfare Organisation,
Ministry of Labour,
Government of India,
Karma, P.O. Jumritelaiya,
Distt. Hazaribagh, Bihar. | Vice Chairman |
| 3. Shri Jai Prakash Yadav,
M.L.A., Kharagpur,
District Mungher. | Representative of the State legislature |
| 4. Labour Commissioner,
Government of Bihar,
Patna. | Representative of the State Government |
| 5. Shri Krishna Kumar Mandal,
General Secretary,
Santhal Pargana Beedi Workers Union,
Pakur Sahib Ganj. | Workers' Representatives |
| 6. Shri Mangal Prasad, President,
Singhbhum Beedi Mazdoor Sabha,
Chakradharpur (Singhbhum) | |
| 7. Shri Chiman Bhai Patel,
President,
Chakradharpur Beedi and Tobacco
Merchants Association,
Chakradharpur (Singhbhum) | Employers' Representatives |
| 8. Shri S.M. Kamal Hasan,
General Manager,
M/s. S.K. Nasuruddin Beedi
Merchant, Saluganj,
Bihar Sharif (Nalanda) | |
| 9. Kumari Shyama Devi,
Ex-MLA, MIG, Kankarbagh Colony,
Patna. | Women Representative |
| 10. Welfare Administrator,
Labour Welfare Organisation,
Ministry of Labour,
Government of India,
Muzaffarpur. | Secretary |

2. The Central Government hereby fixes Karma, Distt. Hazaribagh, Bihar to be the Headquarters of the Advisory Committee.

[No. U-19012/5/87-W.II (C)]

V.D. NAGAR, Under Secy.